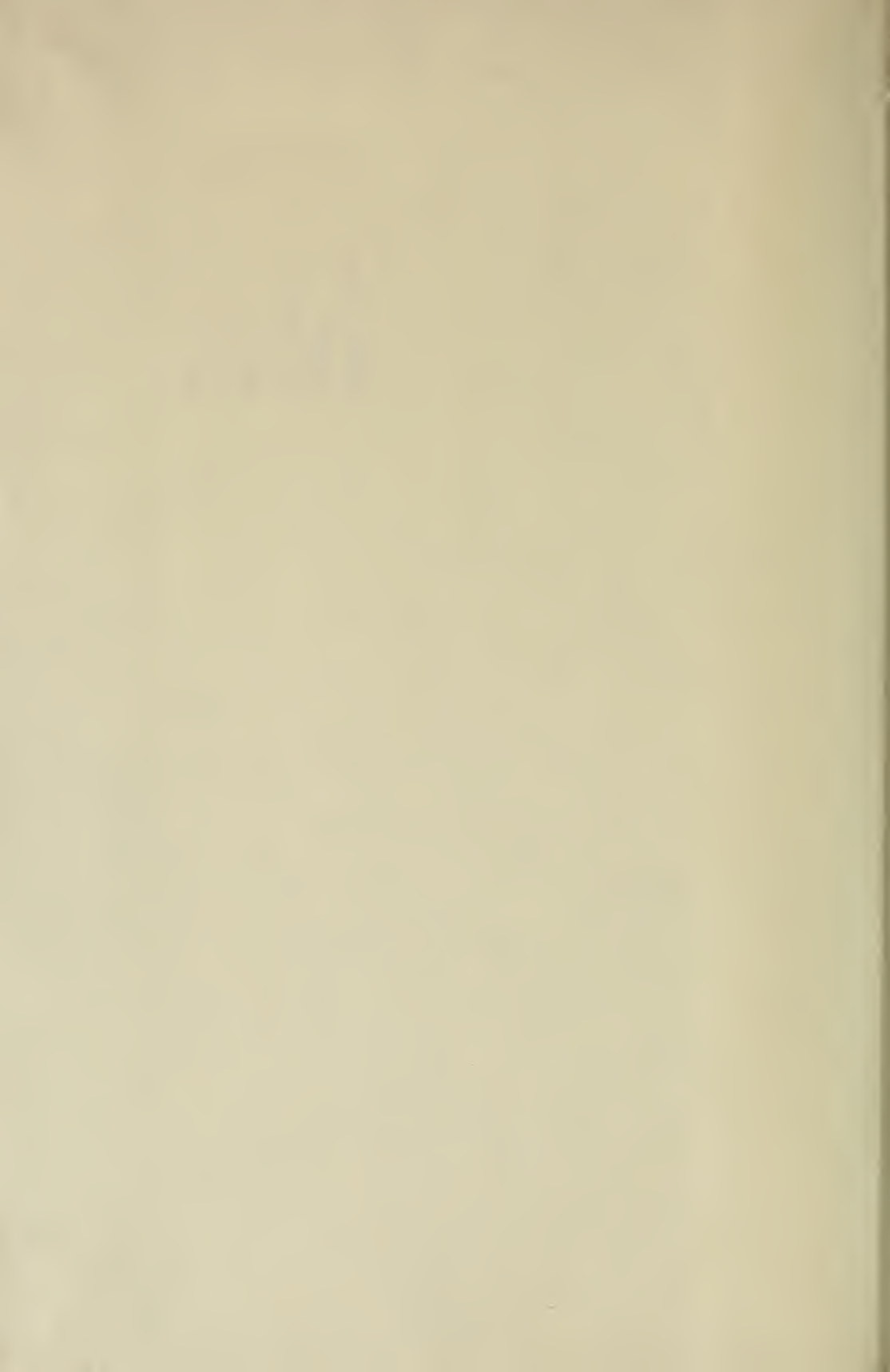






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ORDINANCES AND RESOLUTIONS
OF THE
MAYOR AND CITY COUNCIL
OF BALTIMORE

PASSED AT THE ANNUAL SESSION 1992 - 1993



Maryland
JS
574
A2
1992/93

ORDINANCES

PASSED AT THE ANNUAL SESSION

1992-1993

CITY OF BALTIMORE

ORDINANCE NO. 154

(Council Bill No. 285)

AN ORDINANCE concerning

HOUSING CODE - RENTAL REGISTRATION AND LICENSE FEES

FOR the purpose of increasing the annual registration fee for rental dwelling units, the annual license fee for rooming house units, and the annual license fee for multiple family dwelling units; ~~and removing the ceilings for the registration fee and for the licenses.~~ establishing a special fund for fees remitted to the City; and providing for quarterly reports on the status of the fund.

BY adding

Article 13 - Housing and Urban Renewal

Subtitle - Housing Code

Section 1103 (d-1)

Baltimore City Code (1983 Replacement Volume, as amended)

BY repealing and reordaining with amendments

Article 13 - Housing and Urban Renewal

Subtitle - Housing Code

Section 309(b) and 1103(a), (b), and (c)

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 13 - HOUSING AND URBAN RENEWAL

Housing Code

Chapter 3 - Notice; Emergencies; Correction of Violations;
Collections and Liens; Administrative Review; Penalties.

309. Registration of owners and agents.

(b) For each dwelling unit there shall be an annual registration fee of [~~\$10~~] \$15 with a maximum fee of \$2500 per owner of record] ~~\$15~~, to be paid at the time the owner files the annual registration statement. All owners whose dwelling units are licensed under the provisions of Chapter 11 of this Code, and all eleemosynary, religious, educational, benevolent or charitable associations and all governmental agencies, shall file a registration statement herein required but shall be exempt from the payment of the fee for the same.

ALL FEES PAID TO THE CITY PURSUANT TO THIS SECTION SHALL BE ACCOUNTED FOR IN A SPECIAL FUND ENTITLED "HOUSING INSPECTION SERVICES". REVENUES CREDITED TO THE FUND SHALL BE AVAILABLE FOR THE PURPOSE OF SUPPORTING THE INSPECTION OF HOUSING. THE DIRECTOR OF FINANCE SHALL SUBMIT A QUARTERLY ACCOUNTING OF THIS FUND TO THE CHAIR OF THE CITY COUNCIL BUDGET AND APPROPRIATIONS COMMITTEE.

Chapter 11 - Licenses for Rooming Houses and
Multiple Family Dwellings

1103. License fees.

The annual license fees shall be as follows:

(a) An annual fee of [twelve dollars (\$12.00)] \$15 per rooming unit shall be charged for rooming house licenses {with a maximum fee of ten thousand dollars (\$10,000) per license}.

(b) An annual fee of [twenty dollars (\$20.00)] \$25 per dwelling unit shall be charged for multiple dwelling licenses {with a maximum fee of ten thousand dollars (\$10,000) per license}.

(c) Where a building is used for a combination of uses, a license fee shall be charged for each such use at the rate of [twelve dollars (\$12.00)] \$15 per rooming unit and [twenty dollars (\$20.00)] \$25 per dwelling unit {with a maximum fee of ten thousand dollars (\$10,000) per license}.

(D-1) ALL FEES PAID TO THE CITY PURSUANT TO THIS SECTION SHALL BE ACCOUNTED FOR IN A SPECIAL FUND ENTITLED "HOUSING INSPECTION SERVICES". REVENUES CREDITED TO THE FUND SHALL BE AVAILABLE FOR THE PURPOSE OF SUPPORTING THE INSPECTION OF HOUSING. THE DIRECTOR OF FINANCE SHALL SUBMIT A QUARTERLY ACCOUNTING OF THIS FUND TO THE CHAIR OF THE CITY COUNCIL BUDGET AND APPROPRIATIONS COMMITTEE.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect ~~30 days after~~ on the date of its enactment.

Approved December 11, 1992

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 155

(Council Bill No. 345)

AN ORDINANCE concerning

CHANGE OF STREET ADDRESS

FOR the purpose of changing the street address of ~~a property~~
3 properties from St. Paul Street to E. Bishop's Road.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the ~~property~~ properties now known as 3700, 3702, and 3704 St. Paul Street be and ~~it is~~ they are hereby changed and shall hereafter be known as 12, 14, and 16 E. Bishop's Road.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved December 15, 1992

KURT L. SCHMOKE, Mayor

Ord. No. 156

CITY OF BALTIMORE

ORDINANCE NO. 156

(Council Bill No. 408)

AN ORDINANCE concerning

HOMESTEAD PROPERTY TAX CREDIT

FOR the purpose of granting a tax credit, commencing July 1, 1993, to taxpayers qualifying for a homestead tax credit.

BY adding

Article 28 - Taxes

Subtitle - Director of Finance

Section 16A

Baltimore City Code (1983 Replacement Volume, as amended)

BY authority

Article - Tax-Property

Section 9-105

Annotated Code of Maryland

(As amended by Chapter 246 of the Acts of the General Assembly of 1991)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 28 - TAXES

Director of Finance

16A. Homestead property tax credit.

Pursuant to the authorization contained in Section 9-105 of the Tax-Property Article of the Maryland Code, for the taxable year beginning July 1, [1992] 1993, the homestead credit percentage for the City property tax is 104%.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved December 15, 1992

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 157

(Council Bill No. 416)

AN ORDINANCE concerning

METROPOLITAN DISTRICT EXTENSION NO. 119

FOR the purpose of consenting to and approving a Petition for the extension of the Metropolitan District of Baltimore County to a tract of land consisting of 11.54 acres in the Second Election District of Baltimore County located in the vicinity of Coyle Road and Lyons Mill Road, District 2C3 (Coyle Property) and in accordance with the provisions of Chapter 539 of the Acts of the General Assembly of Maryland of 1924, as amended by Chapter 515 of the Acts of 1955.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Petition for the extension of the Metropolitan District of Baltimore County to a tract of land consisting of 11.54 acres in the Second Election District of Baltimore County located in the vicinity of Coyle Road and Lyons Mill Road, District 2C3 (Coyle Property), more particularly shown on a plat filed in the Department of Public Works of Baltimore County numbered Ext. 119, is in accordance with the authority granted by Chapter 539 of the Acts of the General Assembly of Maryland 1924, and amended by Chapter 515 of the Acts of 1955 hereby consented to and approved.

SEC. 2. AND BE IT FURTHER ORDAINED, That this Ordinance shall take effect on the date of its enactment.

Approved December 15, 1992

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 158

(Council Bill No. 343)

AN ORDINANCE concerning

ZONING - APPROVAL FOR CONDITIONAL USE
PARKING LOT - 701-711 PENNSYLVANIA AVENUE

FOR the purpose of granting permission for the establishment, maintenance and operation of an open off-street parking area on the properties known as 701-711 Pennsylvania Avenue, as outlined in red on the plats accompanying this ordinance, subject to certain conditions.

BY adding

Article 30 - Zoning

Section(s) 4.9-1d-3 and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is hereby granted for the establishment, maintenance and operation of an open off-street parking area on the properties known as 701-711 Pennsylvania Avenue as outlined in red on the plats accompanying this ordinance, under the provisions of Section(s) 4.9-1d-3 and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended), title "Zoning".

SEC. 2. AND BE IT FURTHER ORDAINED, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved January 12, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 159

(Council Bill No. 366)

AN ORDINANCE concerning

ZONING - APPROVAL FOR CONDITIONAL USE HOUSING
FOR THE ELDERLY -
4021, 4029, 4033, AND 4041 FREDERICK AVENUE

FOR the purpose of granting permission to A and R Development Corporation for the establishment, maintenance and operation of housing for the elderly with a maximum of 41 units on the property known as 4021, 4029, 4033, and 4041 Frederick Avenue, as outlined in red on the plats accompanying this ordinance.

BY authority of
Article 30 - Zoning
Sections 6.2-1d-5 and 11.0-6d
Baltimore City Code (1983 Replacement Volume, as amended)

SECTION. 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is hereby granted to A and R Development Corporation for the establishment, maintenance and operation of housing for the elderly with a maximum of 41 units on the property known as 4021, 4029, 4033 and 4041 Frederick Avenue, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 6.2-1d-5 and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) titled "Zoning".

SEC. 2. AND BE IT FURTHER ORDAINED, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the

departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: The Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved January 12, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 160

(Council Bill No. 367)

AN ORDINANCE concerning

ZONING - AMENDMENT TO PLANNED UNIT DEVELOPMENT -
BALTIMORE TRAVEL PLAZA AND
BALTIMORE PORT TRUCK PLAZA

FOR the purpose of approving the application of Penn Advertising of Baltimore, Inc. to amend the Business Planned Unit Development established by Ordinance No. 688, approved June 24, 1986, for the Baltimore Travel Plaza and the Baltimore Port Truck Plaza to amend Schedule c-2 to allow certain business, general advertising, and identification signs to be constructed within the Baltimore Port Truck Plaza.

BY authority of
Article 30 - Zoning
Chapter 12 - Planned Developments
Baltimore City Code (1983 Replacement Volume, as amended)

WHEREAS, Ordinance No. 688, approved June 24, 1986, established a Business Planned Unit Development for the Baltimore

Travel Plaza Limited Partnership and the Baltimore Port Truck Plaza Limited Partnership (the "Truck Plaza") in accordance with Chapter 12 of Article 30 of the Baltimore City Code and approved the Development Plan; and

WHEREAS, On September 4, 1992 representatives of the Truck Plaza met with the Department of Planning of Baltimore City to hold a pre-petition conference to explain the scope and nature of the proposed development on the premises in order to institute proceedings to have certain signs constructed; and

WHEREAS, The Truck Plaza has formally applied to the Mayor and City Council of Baltimore for approval of an amendment to the existing Development Plan and has submitted the requisite Amended Development Plan, site plans, and an amended Schedule c-2 intended to satisfy the requirements specified in Chapter 12 of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended); now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That comprehensive sign package (Schedule c-2) is hereby amended as of ~~September 18~~ November 30, 1992 to provide the following new provisions on page 8:

"D) Outdoor Advertising Display

- 1) One double faced 14x48 feet billboard which may contain a business, general advertising, or identification sign, and may be illuminated.
- 2) Two double faced 12x25 feet posterboards which may contain a business, general advertising, or identification sign, and may be illuminated.
- 3) All billboards, except for the 12x25 foot double-faced poster boards located at Anglesea and the O'Donnell Street cutoff, shall be erected at least 100 feet from the property line on which they are located."

SEC. 2. AND BE IT FURTHER ORDAINED, That the amended Schedule c-2 and plats dated ~~September 18~~ November 30, 1992 which show the approximate location, set-backs, and height of signs to be constructed upon enactment of this ordinance are hereby approved.

SEC. 3. AND BE IT FURTHER ORDAINED, That the outdoor advertising display to be built in the area of Anglesea and O'Donnell Street cutoff shall only be permitted if the land disposition agreement between the Mayor and City Council and the Baltimore Port Truck Plaza Limited Partnership is amended to permit such at that location.

SEC. 34. AND BE IT FURTHER ORDAINED, That subsequent to enactment of this ordinance, all changes in the approved Amended Development Plan for the Baltimore Travel Plaza and the Baltimore Port Truck Plaza shall be reviewed and approved by the Planning Commission to insure that those changes are consistent with this Ordinance.

SEC. 45. AND BE IT FURTHER ORDAINED, That upon passage of this Ordinance by the City Council, as evidence of the authenticity of the Amended Development Plan which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the Amended Development Plan, and when the Mayor approves the Ordinance, he shall sign the Amended Development Plan. The Director of Finance shall then transmit a copy of the Ordinance and the Amended Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Supervisor of Assessments for Baltimore City and the Zoning Administrator of Baltimore City.

SEC. 56. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved January 12, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 161

(Council Bill No. 382)

AN ORDINANCE concerning

ZONING - APPROVAL FOR CONDITIONAL USE
DRIVE IN RESTAURANT WITH A DRIVE-THROUGH WINDOW -
3319-3325 PULASKI HIGHWAY

FOR the purpose of granting permission for the establishment, maintenance and operation of a drive-in restaurant with a drive-through window on the property known as 3319-3325 Pulaski Highway, as outlined in red on the amended plats accompanying this ordinance.

BY authority of
Article 30 - Zoning
Sections 6.3-1d-3 and 11.0-6d
Baltimore City Code (1983 Replacement Volume, as amended)

SECTION. 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is hereby granted for the establishment, maintenance and operation of a drive-in restaurant with a drive-through window on the property known as 3319-3325 Pulaski Highway, as outlined in red on the amended plats accompanying this ordinance, under the provisions of Sections 6.3-1d-3 and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) titled "Zoning".

SEC. 2. AND BE IT FURTHER ORDAINED, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: The Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved January 12, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 162

(Council Bill No. 203)

AN ORDINANCE concerning

LANDLORD AND TENANT - SANITATION VIOLATION

FOR the purpose of providing that a tenant ~~convicted of~~ violating any housing code, health, sanitation or other law relating to disposing of, or permitting the accumulation of, trash, garbage, or litter on the leased premises may be evicted after notice.

BY adding to

The Public Local Laws of Baltimore City (1979 Edition, as amended)

Subtitle ~~9~~ Landlord and Tenant

Section ~~9-14A~~

Article ~~4~~ Public Local Laws of Maryland

~~SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Public Local Laws of Baltimore City Code (1979 Edition, as amended) be added, repealed, or amended, to read as follows:~~

~~Subtitle 9 Landlord and Tenant~~

~~9-14A.~~

~~(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHEN A TENANT UNDER A TENANCY DESCRIBED IN SECTION 9-11, 9-12, OR 9-13 HAS BEEN CONVICTED UNDER ANY STATE OR CITY LAW RELATING TO THE DISPOSING OF, OR PERMITTING THE ACCUMULATION OF, TRASH, GARBAGE, OR LITTER ON THE LEASED PREMISES OR ANY RIGHTS OF WAY APPURTENANT THERETO, THE LANDLORD SHALL BE ENTITLED TO THE REMEDY PROVIDED IN SECTION 9-19 FOR THE SPEEDY RECOVERY OF THE POSSESSION OF LANDS OR TENEMENTS HELD OVER BY TENANTS, PROVIDED THAT BEFORE EXERCISING THE REMEDY THE LANDLORD HAS GIVEN TO THE TENANT 7 DAYS' WRITTEN NOTICE.~~

~~(B) IN THIS SECTION THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED UNLESS THEIR CONTEXT REQUIRES A DIFFERENT MEANING:~~

~~(1) "DISPOSE" MEANS DEPOSIT, DISCARD, DUMP, DISCHARGE, PLACE, CAST, THROW, SCRAP, JUNK, OR ABANDON.~~

~~(2) "TRASH, GARBAGE, OR LITTER" INCLUDES ALL RUBBISH, WASTE MATERIAL, REFUSE, GARBAGE, TRASH, DEBRIS, LITTER, DEAD ANIMALS, SOLID WASTE, OR OTHER DISCARDED MATERIAL OF ANY KIND.~~

By repealing and reordaining with amendments

The Public Local Laws of Baltimore City

(1979 Edition, as amended)

Subtitle - 9. Landlord and Tenant

Section - 9-14

Article 4 - Public Local Laws of Maryland

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Public Local Laws of Baltimore City (1979 Edition, as amended) be added, repealed, or amended, to read as follows:

Subtitle 9 - Landlord and Tenant

9-14. Tenancies covered by Sections 9-11, 9-12 and 9-13.

Notwithstanding the provisions of Section 9-20 of this Article, the notice required to be given by any landlord to any tenant to terminate the tenancies of dwelling units for the terms mentioned in Sections 9-11, 9-12, and 9-13 of this Article shall be sixty (60) days notice previous to the date upon which the landlord shall be entitled to the remedy contained in Section 9-19, and no landlord leasing, renting or demising any dwelling unit in the City of Baltimore under a lease for a year or any period less than a year, at sufferance or per autre vie, shall be entitled to the remedy provided by Section 9-19 if he has not given sixty (60) days' notice before exercising such remedy unless:

(1) The tenant is violating an obligation of his tenancy such as unreasonably refusing the landlord access to the dwelling unit OR FAILING TO COMPLY WITH SANITATION STANDARDS SET BY LAW;
or

(2) The tenant is committing or permitting a nuisance on the premises or is using or permitting the use of the dwelling unit for immoral or illegal purposes or for other than living or dwelling purposes; or

(3) The dwelling unit is occupied under a seasonal occupancy, which is hereby defined to be a tenancy for not more than five (5) months; or

(4) The dwelling unit is and was, at the effective date hereof, a nonhousekeeping furnished room or unit without cooking facilities; or

(5) The tenant's lease or other rental agreement has expired or otherwise terminated and, at the time of termination, the occupants of the housing accommodations are subtenants or other persons who occupied under a rental agreement with the tenant and no part of the accommodations is used by the tenant as his dwelling.

If the landlord seeks to evict the tenant under the provisions of Paragraphs 1, 2, 3, 4 or 5 above, the notice to the tenant shall be thirty (30) days before the end of the term unless otherwise provided in the lease.

In addition, no such landlord shall be entitled to the remedy provided by Section 9-19 if he has not given sixty (60) days notice before exercising such remedy unless:

(1) The landlord, who is the owner of the housing accommodations, seeks in good faith to recover possession thereof for his immediate and personal use and occupancy as housing accommodations, or for the immediate and personal use and occupancy as housing accommodations by a member or members of his immediate family, which shall include a son, son-in-law, daughter, daughter-in-law, father, father-in-law, mother, mother-in-law, stepchild and adopted child; or

(2) The landlord seeks in good faith, to recover possession for the immediate purpose of substantially altering or remodeling the housing accommodations for continued use as housing accommodations, in a manner which cannot practically be done with the tenant in possession, or for the immediate purpose of demolishing them, provided that the landlord has obtained such approval for the proposed

alterations or remodeling or demolition as may be required under the law; or

(3) The landlord seeks in good faith to recover possession of the housing accommodations for the immediate purpose of:

(i) Making a permanent conversion to commercial use by substantially altering or remodeling them; or

(ii) Personally making a permanent use of them for nonhousing purposes; or

(iii) Permanently withdrawing them from both housing and nonhousing rental markets without any intent to sell housing accommodations.

If the landlord seeks to evict the tenant under the provisions of Paragraphs 1, 2 and 3 above, the notice to the tenant shall be sixty (60) days before the end of the term, unless otherwise provided in the lease.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved March 1, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 163

(Council Bill No. 278)

AN ORDINANCE concerning

EMPLOYEES' RETIREMENT SYSTEM -
CLASS C DISABILITY BENEFITS

FOR the purpose of amending the offset provisions relating to earnings from employment for accidental and dismemberment disability retirement benefits.

BY repealing and reordaining with amendments

Article 22 - Retirement Systems

Subtitle - Employees' Retirement System

Sections 9(j)(4), 9(k)(3)

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 22 - RETIREMENT SYSTEMS

Employees' Retirement System

9. Class C membership.

(j) Accidental disability retirement benefit.

(4) Offset to accidental disability retirement benefit. There shall be offset from any accidental disability retirement benefit payable:

(i) The full amount of any benefit or payment currently payable on or after accidental disability retirement on account of unemployment compensation insurance under any Federal, State or City law, when the City either pays the cost of said benefit by means of the reimbursement method or the City's experience rate is affected as a result of the taxing method.

(ii) Effective with the date beginning five (5) years prior to the date of the accident which qualified the member for accidental disability retirement benefits under this section, the full amount of any past or future benefit or payment which may be paid or payable by the City of Baltimore under the provisions of any workmen's compensation or similar law for any permanent disability, whether partial or total, or for death. The benefits under said workmen's compensation or similar law shall be offset dollar for dollar, pro tanto, from the benefits otherwise payable from funds provided by the City of Baltimore under this subtitle, and such benefits so reduced shall be payable under the provisions of this subtitle.

(iii) [For "earnings" from employment of a disabled retiree under the age of seventy (70), a reduction of \$1.00 in the pension shall be made for each \$2.00 of earnings.

The term "earnings" as used in this subsection shall mean income derived from wages, salaries, tips, commissions, other employee compensation, and self-employment. In all cases of doubt, the Panel of Hearing Examiners shall decide what is and what is not "earnings" for the purposes of administering the provisions of this section.]

A DISABILITY RETIREE MAY, WITHOUT REDUCTION OF HIS RETIREMENT ALLOWANCE, EARN ANNUALLY AN AMOUNT, HEREINAFTER REFERRED TO AS "EARNINGS", EQUAL TO THE RATE OF THE ANNUAL EARNABLE COMPENSATION CURRENTLY BEING PAID TO PERSONS IN THE SAME GRADE AND STEP AS THE RETIREE WAS AT THE TIME OF HIS RETIREMENT, PLUS THE AMOUNT OF ANY LONGEVITY PAYMENTS CURRENTLY BEING PAID FOR THE LENGTH OF SERVICE THE RETIREE HAD AT THE TIME OF HIS RETIREMENT, SAID RATE OF EARNABLE COMPENSATION PLUS LONGEVITY PAYMENTS, IF ANY, HEREINAFTER REFERRED TO AS "BASE AMOUNT". SHOULD SUCH A RETIREE EARN AN ANNUAL AMOUNT WHICH IS GREATER THAN HIS BASE AMOUNT, THE PENSION OTHERWISE PAYABLE TO A DISABLED RETIREE UNDER THE AGE OF SEVENTY (70) SHALL BE REDUCED IN THE FOLLOWING MANNER:

FOR THE FIRST \$5,000 OF EARNINGS IN EXCESS OF THE BASE AMOUNT, A REDUCTION OF \$1.00 IN PENSION BENEFITS SHALL BE MADE FOR EACH \$2.00 EARNED. FOR ANY EARNINGS IN EXCESS OF \$5,000 OVER THE BASE AMOUNT, A REDUCTION OF \$2.00 IN PENSION BENEFITS SHALL BE MADE FOR EACH \$5.00 EARNED.

IN THE CALENDAR YEAR OF RETIREMENT, THE BASE AMOUNT SHALL BE PRORATED ON A MONTHLY BASIS. BENEFITS WHICH MAY BE PAYABLE TO A BENEFICIARY OF A DECEASED DISABILITY RETIREE UNDER THE PROVISIONS OF THIS SUBTITLE, SHALL NOT BE REDUCED BY REASON OF ANY EXCESS EARNINGS SAID RETIREE MAY HAVE HAD; AND THE BASE FOR CALCULATING SAID BENEFICIARY'S BENEFITS SHALL BE THE TOTAL UNREDUCED RETIREMENT ALLOWANCE OF THE DISABILITY RETIREE, NOTWITHSTANDING THE FACT THAT SAID RETIREE WAS RECEIVING A REDUCED RETIREMENT ALLOWANCE IN THE YEAR OF HIS DEATH.

THE TERM "EARNINGS" AS USED IN THIS SUBSECTION SHALL MEAN INCOME DERIVED FROM WAGES, SALARIES, TIPS, COMMISSIONS, OTHER EMPLOYEE COMPENSATION, AND SELF-EMPLOYMENT. IN ALL CASES OF DOUBT THE BOARD OF TRUSTEES SHALL DECIDE WHAT ARE AND WHAT ARE NOT "EARNINGS" FOR THE PURPOSES OF ADMINISTERING THE PROVISIONS OF THIS SUBSECTION.

SUCH DISABILITY RETIREE WHO HAS NOT BEEN CERTIFIED AS FIT TO PERFORM DUTIES IN THE NATURE OF THOSE HE WAS PERFORMING PRIOR TO HIS RETIREMENT MAY, NEVERTHELESS, ACCEPT SUITABLE EMPLOYMENT WITH THE CITY, SUBJECT TO THE "EARNINGS" PROVISIONS CONTAINED HEREIN; PROVIDED, HOWEVER, THAT SUCH AN EMPLOYEE SHALL NOT AGAIN BECOME A MEMBER OF ANY RETIREMENT SYSTEM SUPPORTED IN WHOLE OR IN PART BY THE MAYOR AND CITY COUNCIL OF BALTIMORE.

ON OR BEFORE MAY 1 OF EACH YEAR FOLLOWING HIS DISABILITY RETIREMENT, A DISABILITY RETIREE SHALL SUBMIT, ON A FORM ISSUED BY THE BOARD OF TRUSTEES OR ON ITS EQUIVALENT AS APPROVED BY THE BOARD OF TRUSTEES, A SIGNED STATEMENT SETTING FORTH HIS TOTAL GROSS EARNINGS, IF ANY, IN THE PRECEDING CALENDAR YEAR AND THE SOURCE OF SAID EARNINGS. THE EXECUTION OF SAID FORMS BY A DISABILITY RETIREE SHALL HAVE THE SAME EFFECT AS A STATEMENT SWORN TO BY HIM BEFORE A NOTARY PUBLIC. SHOULD ANY DISABILITY RETIREE FAIL TO SUBMIT SAID SIGNED STATEMENT, HIS RETIREMENT ALLOWANCE MAY THEREAFTER BE DISCONTINUED BY THE BOARD OF TRUSTEES UNTIL HE HAS COMPLIED; AND SHOULD HE FAIL TO SUBMIT SAID SIGNED AND COMPLETED STATEMENT BY MAY 1 OF THE SUCCEEDING YEAR, ALL RIGHTS IN AND TO HIS PENSION MAY BE REVOKED BY THE BOARD OF TRUSTEES.

(k) Dismemberment disability retirement benefits.

(3) Offset to dismemberment disability retirement benefit.

There shall be offset from any dismemberment disability retirement benefit payable:

(i) The full amount of any benefit or payment currently payable on account of unemployment compensation insurance under any Federal, State or City law, when the City either pays the cost of said

benefit by means of reimbursement method or the City's experience rate is affected as a result of the taxing method.

(ii) Effective with the date beginning five (5) years prior to the date of the accident which qualified the member for dismemberment disability retirement benefits under this section, the full amount of any past or future benefit or payment which may be paid or payable by the City of Baltimore under the provisions of any workmen's compensation or similar law for any permanent disability, whether partial or total, or death. The benefits under said workmen's compensation or similar law shall be offset dollar for dollar, pro tanto, from the benefits otherwise payable from funds provided by the City of Baltimore under this subtitle, and such benefits so reduced shall be payable under the provisions of this subtitle.

(iii) [For "earnings" from employment of a disabled retiree under the age of seventy (70), a reduction of \$1.00 in the pension shall be made for each \$2.00 of earnings.

The term "earnings" as used in this subsection shall mean income derived from wages, salaries, tips, commissions, other employee compensation, and self-employment. In all cases of doubt, the Panel of Hearing Examiners shall decide what is and what is not "earnings" for the purposes of administering the provisions of this subsection.]

A DISABILITY RETIREE MAY, WITHOUT REDUCTION OF HIS RETIREMENT ALLOWANCE, EARN ANNUALLY AN AMOUNT, HEREINAFTER REFERRED TO AS "EARNINGS", EQUAL TO THE RATE OF THE ANNUAL EARNABLE COMPENSATION CURRENTLY BEING PAID TO PERSONS IN THE SAME GRADE AND STEP AS THE RETIREE WAS AT THE TIME OF HIS RETIREMENT, PLUS THE AMOUNT OF ANY LONGEVITY PAYMENTS CURRENTLY BEING PAID FOR THE LENGTH OF SERVICE THE RETIREE HAD AT THE TIME OF HIS RETIREMENT, SAID RATE OF EARNABLE COMPENSATION PLUS LONGEVITY PAYMENTS, IF ANY, HEREINAFTER REFERRED TO AS "BASE AMOUNT". SHOULD SUCH A RETIREE EARN AN ANNUAL AMOUNT WHICH IS GREATER THAN HIS BASE AMOUNT, THE PENSION OTHERWISE PAYABLE TO A DISABLED RETIREE UNDER THE AGE OF SEVENTY (70) SHALL BE REDUCED IN THE FOLLOWING MANNER:

FOR THE FIRST \$5,000 OF EARNINGS IN EXCESS OF THE BASE AMOUNT, A REDUCTION OF \$1.00 IN PENSION BENEFITS SHALL BE MADE FOR EACH \$2.00 EARNED. FOR ANY EARNINGS IN

EXCESS OF \$5,000 OVER THE BASE AMOUNT, A REDUCTION OF \$2.00 IN PENSION BENEFITS SHALL BE MADE FOR EACH \$5.00 EARNED.

IN THE CALENDAR YEAR OF RETIREMENT, THE BASE AMOUNT SHALL BE PRORATED ON A MONTHLY BASIS. BENEFITS WHICH MAY BE PAYABLE TO A BENEFICIARY OF A DECEASED DISABILITY RETIREE UNDER THE PROVISIONS OF THIS SUBTITLE, SHALL NOT BE REDUCED BY REASON OF ANY EXCESS EARNINGS SAID RETIREE MAY HAVE HAD; AND THE BASE FOR CALCULATING SAID BENEFICIARY'S BENEFITS SHALL BE THE TOTAL UNREDUCED RETIREMENT ALLOWANCE OF THE DISABILITY RETIREE, NOTWITHSTANDING THE FACT THAT SAID RETIREE WAS RECEIVING A REDUCED RETIREMENT ALLOWANCE IN THE YEAR OF HIS DEATH.

THE TERM "EARNINGS" AS USED IN THIS SUBSECTION SHALL MEAN INCOME DERIVED FROM WAGES, SALARIES, TIPS, COMMISSIONS, OTHER EMPLOYEE COMPENSATION, AND SELF-EMPLOYMENT. IN ALL CASES OF DOUBT THE BOARD OF TRUSTEES SHALL DECIDE WHAT ARE AND WHAT ARE NOT "EARNINGS" FOR THE PURPOSES OF ADMINISTERING THE PROVISIONS OF THIS SUBSECTION.

SUCH DISABILITY RETIREE WHO HAS NOT BEEN CERTIFIED AS FIT TO PERFORM DUTIES IN THE NATURE OF THOSE HE WAS PERFORMING PRIOR TO HIS RETIREMENT MAY, NEVERTHELESS, ACCEPT SUITABLE EMPLOYMENT WITH THE CITY, SUBJECT TO THE "EARNINGS" PROVISIONS CONTAINED HEREIN; PROVIDED, HOWEVER, THAT SUCH AN EMPLOYEE SHALL NOT AGAIN BECOME A MEMBER OF ANY RETIREMENT SYSTEM SUPPORTED IN WHOLE OR IN PART BY THE MAYOR AND CITY COUNCIL OF BALTIMORE.

ON OR BEFORE MAY 1 OF EACH YEAR FOLLOWING HIS DISABILITY RETIREMENT, A DISABILITY RETIREE SHALL SUBMIT, ON A FORM ISSUED BY THE BOARD OF TRUSTEES OR ON ITS EQUIVALENT AS APPROVED BY THE BOARD OF TRUSTEES, A SIGNED STATEMENT SETTING FORTH HIS TOTAL GROSS EARNINGS, IF ANY, IN THE PRECEDING CALENDAR YEAR AND THE SOURCE OF SAID EARNINGS. THE EXECUTION OF SAID FORMS BY A DISABILITY RETIREE SHALL HAVE THE SAME EFFECT AS A STATEMENT SWORN TO BY HIM BEFORE A NOTARY PUBLIC. SHOULD ANY DISABILITY RETIREE FAIL TO SUBMIT SAID SIGNED STATEMENT, HIS RETIREMENT ALLOWANCE MAY THEREAFTER BE DISCONTINUED BY

THE BOARD OF TRUSTEES UNTIL HE HAS COMPLIED; AND SHOULD HE FAIL TO SUBMIT SAID SIGNED AND COMPLETED STATEMENT BY MAY 1 OF THE SUCCEEDING YEAR, ALL RIGHTS IN AND TO HIS PENSION MAY BE REVOKED BY THE BOARD OF TRUSTEES.

SEC. 2. AND BE IT FURTHER ORDAINED, That this Ordinance shall take effect on the 30th day after the date of its enactment and shall first apply to a retiree's calendar year 1992 earnings.

Approved March 1, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 164

(Council Bill No. 290)

AN ORDINANCE concerning

BUILDING CODE - VIOLATION NOTICES FOR UNSAFE STRUCTURES

FOR the purpose of providing that certain Building Code violation notices conform with State law.

BY adding

Article 32 - Building Code

Section 120.9

Baltimore City Building Code (1990 Edition, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Building Code (1990 Edition, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 32 - BUILDING CODE

Section 120.0 Unsafe Structures

120.9 CITATION OF PROPERTY: A PROPERTY CITED AS "VACANT" OR "UNFIT FOR HUMAN HABITATION" ON A VIOLATION NOTICE ISSUED UNDER THE PROVISIONS OF THIS SECTION SHALL BE

DEEMED TO BE CITED AS "VACANT AND ABANDONED" WITHIN THE MEANING OF THE TAX-PROPERTY ARTICLE OF THE MARYLAND CODE.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved March 1, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 165

(Council Bill No. 303)

AN ORDINANCE concerning

HOUSING CODE -
REGISTRATION OF RESIDENTIAL ~~RENTAL~~ PROPERTY

FOR the purpose of requiring that certain telephone numbers shall be provided in the registration statement; providing that under certain circumstances the Commissioner of Housing and Community Development may be the authorized agent for the receipt of violation notices and court process; and ~~removing~~ revising the confidentiality of registration statements. the requirement of confidentiality of registration statements.

BY repealing and reordaining with amendments
Article 13 - Housing and Urban Renewal
Housing Code
Section 309(d), (e)
Baltimore City Code (1983 Replacement Volume, as amended)

~~BY repealing~~
~~Article 13 - Housing and Urban Renewal~~
~~Housing Code~~
~~Section 309(e)~~
~~Baltimore City Code (1983 Replacement Volume, as amended)~~

BY renumbering

Article 13 - Housing and Urban Renewal

Housing Code

Section 309(f) and (g), respectively, to be Section 309(g) and (h),
respectively

Baltimore City Code (1983 Replacement Volume, as amended)

BY adding

Article 13 - Housing and Urban Renewal

Housing Code

Section 309~~(e)~~ (f)

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 13 - HOUSING AND URBAN RENEWAL

Housing Code

Chapter 3 - Notice; Emergencies; Correction of Violations;
Collections and Liens; Administrative Review; Penalties

309. Registration of residential property and designation of authorized agent for receipt of notices and court process.

(d) The registration statement shall contain the following information:

(1) A description of the premises by street number or otherwise, in such manner as to enable the Commissioner to find the same.

(2) The name and address of the owner of record and of the managing operator if other than the owner and, in addition, if the owner is a corporation OR LIMITED PARTNERSHIP, the name and address of the resident agent thereof. If the owner is a partnership or other business entity, the statement shall further include the name and address and position of a responsible partner or officer. THE STATEMENT SHALL INCLUDE THE TELEPHONE NUMBER OF THE OWNER ~~OR~~ AND MANAGING OPERATOR, AND OF THE RESIDENT

AGENT IF THE OWNER IS A CORPORATION OR LIMITED PARTNERSHIP.

(3) The name, TELEPHONE NUMBER, and ~~business~~ LOCAL address of a natural person 18 years of age or older, who is customarily present in an office in the city for the purposes of transacting business, or who actually resides within the city, who shall be designated by the owner as his authorized agent for receiving notices of violations and for receiving court process on behalf of such owner in connection with the enforcement of ordinances relating to [such units] DWELLING UNITS SUBJECT TO THIS SECTION. ENFORCEMENT SHALL INCLUDE PROCEEDINGS FOR THE COLLECTION OF LIENS.

AN OWNER MAY DESIGNATE THE COMMISSIONER AS HIS LOCAL AGENT FOR RECEIVING NOTICES OF VIOLATIONS AND FOR RECEIVING COURT PROCESS. An owner who is a natural person and who meets the requirement of this subsection as to location of residence or place of transacting business, may designate himself as agent. For purposes of this subsection a post office box does not suffice as an address. The Commissioner must be notified within 10 days of any change in the [designated] managing operator or DESIGNATED agent. [Where the owner has failed to notify the Commissioner of a new authorized agent or has failed to file a new registration statement by September 1 of any year as required, service of violation notices and court process on the last registered authorized agent shall be legal and sufficient service on any owner until the Commissioner is notified of any change.] SERVICE ON A DESIGNATED LOCAL AGENT IS LEGAL AND SUFFICIENT SERVICE ON AN OWNER UNTIL THE OWNER DESIGNATES A NEW AGENT AND NOTIFIES THE COMMISSIONER.

{(e) The written registration statements required by this section shall be held as confidential records and shall not be open to the public-} , PROVIDED THAT THE COMMISSIONER SHALL FURNISH THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE OWNER OR OPERATOR OF A SPECIFIC PROPERTY UPON WRITTEN REQUEST BY THE OWNER OR RESIDENT OF A PROPERTY WITHIN A ONE BLOCK RADIUS OF THE SPECIFIED PROPERTY, OR UPON WRITTEN REQUEST BY THE NEIGHBORHOOD ASSOCIATION FOR THE AREA IN WHICH THE PROPERTY IS LOCATED.

SECTION 2. AND BE IT FURTHER ORDAINED, That Section(s) 309(f) and (g), respectively, of Article 13 - Housing and Urban

Renewal, Housing Code, of the Baltimore City Code be renumbered to be Section(s) 309 (g) and (h), respectively.

SECTION. 3. AND BE IT FURTHER ORDAINED, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

~~(E)~~ (F) EFFECT OF FAILURE TO DESIGNATE LOCAL AGENT.

(1) IF AN OWNER FAILS TO FILE A REGISTRATION STATEMENT OR TO DESIGNATE A LOCAL AGENT FOR SERVICE OF PROCESS AND NOTICES, HE SHALL BE DEEMED TO HAVE AUTHORIZED THE COMMISSIONER AS HIS AGENT TO RECEIVE SERVICE OF LAWFUL NOTICE OR PROCESS IN ANY ENFORCEMENT PROCEEDING ARISING OUT OF CONDUCT IN VIOLATION OF THIS CODE OR RELATED CODES AND ORDINANCES, INCLUDING A PROCEEDING FOR THE COLLECTION OF OUTSTANDING LIENS AGAINST PROPERTY SUBJECT TO THIS SECTION.

(2) SERVICE MAY BE MADE, BY THE COMMISSIONER OR OTHER PLAINTIFF, BY LEAVING A COPY OF THE PROCESS IN THE OFFICE OF THE COMMISSIONER, PROVIDED:

(I) NOTICE OF THE SERVICE AND A COPY OF THE PROCESS IS PROMPTLY EITHER SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR HAND-DELIVERED: TO THE OWNER'S HOME OR BUSINESS ADDRESS, IF KNOWN, OR TO THE "MAIL-TO" ADDRESS LISTED IN THE BALTIMORE CITY TAX RECORDS FOR THE SUBJECT PROPERTY. IF THE LISTED ADDRESS IS A POST OFFICE BOX, THE NOTICE AND PROCESS MAY BE SENT BY REGULAR MAIL; AND

(II) ~~A PLAINTIFF'S~~ AN AFFIDAVIT OF COMPLIANCE WITH ~~THIS~~ SUBSECTION (2)(I) IS FILED IN THE RELEVANT PROCEEDING ON OR BEFORE THE RETURN DAY OR WITHIN ANY FURTHER TIME THE COURT ALLOWS.

SEC. 24. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved March 1, 1993

KURT L. SCHMOKE, Mayor

Ord. No. 166

CITY OF BALTIMORE

ORDINANCE NO. 166

(Council Bill No. 305)

AN ORDINANCE concerning

LANDLORD/TENANT -
RESPONSIBILITY FOR SANITARY MAINTENANCE

FOR the purpose of providing that ~~where the condition of certain residential premises constitutes a nuisance~~ under certain conditions, if a tenant of residential property fails to comply with sanitary maintenance requirements, the owner of the premises is in violation of city law; providing that the owner shall be issued a notice; and providing that the resulting costs incurred by the owner are recoverable from the tenant as rent.

BY repealing and reordaining with amendments

Article 13 - Housing and Urban Renewal

Subtitle - Housing Code

Section 310(a)

Baltimore City Code (1983 Replacement Volume, as amended)

Article 32 - Building Code

Section 117.6

Baltimore City Building Code (1990 Edition, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 13 - HOUSING AND URBAN RENEWAL

Housing Code

Chapter 3 - Notice; Emergencies; Correction of Violations;
Collections and Liens; Administrative Review; Penalties

310. Responsibility for compliance with Code provisions.

(a) Responsibility of owners and operators. Any person who is either an owner or operator of a property subject to this Code shall be responsible for compliance with all of the provisions of the Code. [No] HOWEVER, NO owner or operator shall be responsible for compliance with Chapter 9, "Responsibilities of Occupants", unless that person also is an occupant of the property; PROVIDED, HOWEVER, THAT WHERE AN OCCUPANT WHO IS NOT THE OWNER FAILS TO ~~KEEP IN A CLEAN AND SANITARY CONDITION~~ CORRECT A VIOLATION UNDER CHAPTER 9, "RESPONSIBILITIES OF OCCUPANTS", FOR THE UNCLEAN AND UNSANITARY CONDITION OF THE PREMISES WHICH HE OCCUPIES AND CONTROLS, AND THE CONDITION OF THE PREMISES CONSTITUTES A NUISANCE WHICH AFFECTS PUBLIC HEALTH, SAFETY OR WELFARE OR THE ENJOYMENT OF NEIGHBORING PROPERTY, THE OWNER IS DEEMED TO BE MAINTAINING A STRUCTURE OR LAND IN VIOLATION OF THE PROVISIONS OF THIS CODE; PROVIDED FURTHER, THAT THE OWNER, BEFORE BEING CHARGED WITH SUCH VIOLATION, SHALL BE ISSUED A NOTICE PURSUANT TO SECTION 301 OF THIS CODE. THE COSTS INCURRED BY THE OWNER AS A RESULT OF THE TENANT'S FAILURE TO CORRECT SUCH VIOLATION SHALL BE RECOVERABLE FROM THE TENANT AS RENT AND THE OWNER SHALL HAVE ALL RIGHTS AND REMEDIES AVAILABLE UNDER LAW FOR THE NONPAYMENT THEREOF. Where, such as in Chapter 10, this Code states a responsibility to be that of the owner, it shall also be that of any person who is an operator of the property in his behalf. An owner shall be held liable for all violations of this Code, in connection with any land, buildings, structure, or matter or thing owned or operated by him, and for any expenses incurred by the Mayor and City Council pursuant to Sections 302, 303, or 311 of this Code.

SEC. 2. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Building Code (1990 Edition, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 32 - BUILDING CODE

Section 117.0 Violations

117.6 Responsibility of owners and/or operators: Any owner and/or operator of any property covered by this code shall be responsible for

compliance with all provisions of this code in all matters or things pertaining directly or indirectly to such property. Such owner and/or operator shall be held liable for all violations of this code in connection with any land, building, structure, matter, or thing owned or controlled by the owner. However, an owner is solely responsible for compliance with any provision requiring an owner's signature. {No owner and/or operator shall be responsible for compliance with provisions of this code designated as the responsibility of the occupant, unless that owner and/or operator is also an occupant.} ~~WHERE AN OCCUPANT WHO IS NOT THE OWNER FAILS TO KEEP IN A CLEAN AND SANITARY CONDITION CORRECT A VIOLATION UNDER SECTIONS 104.4 AND 104.5 FOR THE UNCLEAN AND UNSANITARY CONDITION OF THE PREMISES WHICH HE OCCUPIES AND CONTROLS, AND THE CONDITION OF THE PREMISES CONSTITUTES A NUISANCE WHICH AFFECTS PUBLIC HEALTH, SAFETY OR WELFARE OR THE ENJOYMENT OF NEIGHBORING PROPERTY, THE OWNER IS DEEMED TO BE MAINTAINING A STRUCTURE OR LAND IN VIOLATION OF THE PROVISIONS OF THIS CODE; PROVIDED THAT THE OWNER, BEFORE BEING CHARGED WITH SUCH VIOLATION, SHALL BE ISSUED A NOTICE PURSUANT TO SECTION 123.3 OF THIS CODE. THE COSTS INCURRED BY THE OWNER AS A RESULT OF THE TENANT'S FAILURE TO CORRECT SUCH VIOLATION SHALL BE RECOVERABLE FROM THE TENANT AS RENT AND THE OWNER SHALL HAVE ALL RIGHTS AND REMEDIES AVAILABLE UNDER LAW FOR THE NONPAYMENT THEREOF.~~

In the event of a transfer, including a sale, assignment, ground rent lease (a lease creating an annual ground rent redeemable under the laws of the State of Maryland), mortgage, or other transfer with or without consideration, of any land and/or building subject to a violation or condemnation notice, the owner/transferor, including a grantor, assignor, lessor, or mortgagor, shall furnish to the transferee, including a grantee, assignee, lessee, or mortgagee, prior to the transfer, a copy of any such violation or condemnation notice.

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved March 1, 1993

KURT L. SCHMOKE, Mayor

ENROLLED COPY

CITY OF BALTIMORE

ORDINANCE NO. 167

(Council Bill No. 306)

AN ORDINANCE concerning

BUILDING CODE -
NOTICE REQUIREMENT FOR SANITATION CITATIONS

FOR the purpose of removing the requirement of prior notice before a
prepayable citation may be issued to an occupant or on-site
~~operator owner~~ for certain sanitary maintenance violations.

BY repealing and reordaining with amendments

Article 32 - Building Code

Section 117.3.1

Baltimore City Building Code (1990 Edition, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY
COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City
Building Code (1990 Edition, as amended) be added, repealed, or
amended, to read as follows:

ARTICLE 32 - BUILDING CODE

Section 117.0 Violations

117.3.1 Sanitation citation proceedings:

1. If a CONDITION EXISTS WHICH IS A violation of Sections 104.4
or 104.5 [is not abated within the time specified in a violation notice], a
prepayable citation may be issued WITHOUT PRIOR NOTICE TO AN
OCCUPANT OR AN ON-SITE OPERATOR OWNER by a special
enforcement officer in accordance with the provisions of Article 19,
Sections 144 and 145 of the City Code.

[2. If a violation of Sections 104.4 or 104.5 is abated within the
time specified in a violation notice and the same person to whom the
violation notice was issued is legally responsible for recurrence of the

same violation at the same address within 12 months following the date the violation notice was issued, a second violation notice may be issued. If the second violation notice is abated and the same person is legally responsible for recurrence of the same violation at the same address within 12 months following the date the first violation notice was issued, a prepayable citation may be issued without notice.

3. If the same person is legally responsible for recurrence of the same violation at the same address within 12 months following the date a prior prepayable citation was issued, a prepayable citation may be issued without notice.]

[4.] 2. After entry of disposition of a citation by the District Court, other than an entry of "not guilty", within a 12-month period following the date of entry, the amount of fine specified shall be doubled on any citation issued to the same person for recurrence of the same violation at the same address.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved March 1, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 168

(Council Bill No. 310)

AN ORDINANCE concerning

BANCROFT PARK HISTORIC DISTRICT

FOR the purpose of designating that area located within certain described boundaries the Bancroft Park Historical and Architectural Preservation District.

BY adding

Article 1 - Mayor, City Council, and Municipal Agencies

Subtitle - Commission for Historical and Architectural
Preservation

Section 40(ss)

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 1 - MAYOR, CITY COUNCIL, AND MUNICIPAL AGENCIES

Commission for Historical and Architectural Preservation

40. Created; powers, duties.

(SS) BANCROFT PARK HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT.

THE AREA LOCATED WITHIN THE BOUNDARIES SET FORTH IN THIS SUBSECTION IS HEREBY DECLARED TO BE A HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT AND MAY BE REFERRED TO AS THE BANCROFT PARK HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT:

BEGINNING FOR THE SAME AT THE POINT FORMED BY THE INTERSECTION OF THE SOUTHEAST SIDE OF BANCROFT ROAD, 60 FEET WIDE, AND THE SOUTHEAST SIDE OF CROSS COUNTRY BOULEVARD, 50 FEET WIDE, AND RUNNING THENCE BINDING ON THE SOUTHEAST SIDE OF SAID CROSS COUNTRY BOULEVARD, NORTHEASTERLY 69 FEET, MORE OR LESS; THENCE BINDING ON THE NORTHEAST OUTLINE OF NO. 3207 BANCROFT ROAD, SOUTHEASTERLY 259.6 FEET, MORE OR LESS; THENCE BINDING ON THE SOUTHEAST OUTLINES OF NOS. 3207 THRU 3301 BANCROFT ROAD, SOUTHWESTERLY 490 FEET, MORE OR LESS, TO A BEND IN THE SOUTHEAST OUTLINE OF NO. 3301 BANCROFT ROAD; THENCE BINDING IN PART ON THE SOUTHEAST OUTLINES ON NOS. 3301 THRU 3315 BANCROFT ROAD, IN PART ON THE NORTHWEST OUTLINE OF NO. 6313 WIRT AVENUE, IN PART BY A STRAIGHT LINE CROSSING WIRT AVENUE, 50 FEET WIDE, IN PART ON THE SOUTHEAST OUTLINE OF NO. 6318 WIRT AVENUE, AND IN ALL, SOUTHWESTERLY 1,078 FEET, MORE OR LESS; THENCE BINDING ON THE SOUTHWEST OUTLINES OF NOS. 6318 AND 6320 WIRT AVENUE AND NO. 3415 BANCROFT ROAD, NORTHWESTERLY 493 FEET, MORE OR LESS; THENCE BINDING ON THE SOUTHEAST OUTLINES OF NOS.

3415 THRU 3505 BANCROFT ROAD, SOUTHWESTERLY 296 FEET, MORE OR LESS; THENCE BINDING ON THE SOUTHWEST OUTLINE OF NO. 3505 BANCROFT ROAD, NORTHWESTERLY 240 FEET, MORE OR LESS, TO INTERSECT THE SOUTHEAST SIDE OF SAID BANCROFT ROAD; THENCE BINDING ON THE SOUTHEAST SIDE OF SAID BANCROFT ROAD, SOUTHWESTERLY 94 FEET, MORE OR LESS, TO INTERSECT THE LINE OF THE SOUTHWEST OUTLINE OF NO. 3506 BANCROFT ROAD, IF PROJECTED SOUTHEASTERLY; THENCE BINDING IN PART REVERSELY ON SAID LINE SO PROJECTED, IN PART ON THE SOUTHWEST OUTLINE OF NO. 3506 BANCROFT ROAD, AND IN ALL, NORTHWESTERLY 310 FEET, MORE OR LESS; THENCE BINDING ON THE NORTHWEST OUTLINES OF NOS. 3506 AND 3500 BANCROFT ROAD, NORTHEASTERLY 328 FEET, MORE OR LESS, TO INTERSECT THE SOUTHWEST SIDE OF WALLIS AVENUE, 10 FEET WIDE; THENCE BINDING ON THE SOUTHWEST SIDE OF SAID WALLIS AVENUE, SOUTHEASTERLY 40 FEET, MORE OR LESS, TO INTERSECT THE NORTHWEST OUTLINE OF NO. 3418 BANCROFT ROAD, IF PROJECTED SOUTHWESTERLY; THENCE BINDING IN PART REVERSELY ON LAST SAID LINE SO PROJECTED, IN PART ON THE NORTHWEST OUTLINES OF NOS. 3418 AND 3414 BANCROFT ROAD, AND IN ALL, NORTHEASTERLY 264 FEET, MORE OR LESS; THENCE BINDING ON THE NORTH OUTLINE OF NO. 3414 BANCROFT ROAD, EASTERLY 67 FEET, MORE OR LESS, TO INTERSECT THE SOUTHWEST OUTLINE OF NO. 3410 BANCROFT ROAD; THENCE BINDING ON THE SOUTHWEST OUTLINE OF NO. 3410 BANCROFT ROAD, NORTHWESTERLY 249 FEET, MORE OR LESS; THENCE BINDING ON THE NORTH OUTLINES OF NOS. 3410 THRU 3314 BANCROFT ROAD, EASTERLY 764 FEET, MORE OR LESS; THENCE BINDING ON THE WEST AND NORTH OUTLINES OF NO. 3314 BANCROFT ROAD THE FIVE FOLLOWING COURSES AND DISTANCES; NAMELY, NORTHERLY 60 FEET, MORE OR LESS, EASTERLY 75 FEET, MORE OR LESS, NORTHERLY 15 FEET, MORE OR LESS, EASTERLY 5 FEET, MORE OR LESS, AND NORTHERLY 125 FEET, MORE OR LESS, TO INTERSECT THE SOUTHEAST SIDE OF SAID CROSS COUNTRY BOULEVARD AND THENCE BINDING ON THE SOUTHEAST SIDE OF SAID CROSS COUNTRY BOULEVARD, NORTHEASTERLY 369 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved March 1, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 169

(Council Bill No. 315)

AN ORDINANCE concerning

COMMISSION FOR HISTORICAL AND
ARCHITECTURAL PRESERVATION

FOR the purpose of altering the qualifications of members of the Commission; providing that vacancies on the Commission shall be filled within a certain time period; providing certain standards for evaluating proposed alterations to structures as required by Federal and State laws; and providing a severability clause.

BY repealing and reordaining with amendments

Article 1 - Mayor, City Council, and Municipal Agencies

Subtitle - Commission for Historical and Architectural
Preservation

Section 40(c)(1), 40(e), 40(q)(6)

Baltimore City Code (1983 Replacement Volume, as amended)

BY adding

Article 1 - Mayor, City Council, and Municipal Agencies

Subtitle - Commission for Historical and Architectural
Preservation

Section 40(v-i)

Baltimore City Code (1983 Replacement Volume, as amended)

WHEREAS, It is the intended purpose of this bill that these changes are for the purpose of qualifying Baltimore City as a Certified Local Government under the provisions of Article 66B, Section 8.01-8.15 of the Annotated Code of Maryland; now, therefore, be it

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 1 - MAYOR, CITY COUNCIL, AND MUNICIPAL AGENCIES

Commission for Historical and Architectural Preservation

40. Created, powers; duties.

(c) Commission members. (1) The Commission shall consist of eleven members to be appointed by the Mayor. [as follows: One] ALL MEMBERS MUST BE RESIDENTS OF BALTIMORE CITY AND MUST DEMONSTRATE A SPECIAL INTEREST, KNOWLEDGE, OR TRAINING IN SUCH FIELDS AS HISTORY, ARCHITECTURE, PRESERVATION OR URBAN DESIGN. ONE MEMBER IS to be chosen from a list of two nominated by the Board of Trustees of the Baltimore Museum of Art; one from a list of two nominated by the Board of Trustees of the Municipal Museum of Baltimore; one from a list of two nominated by the Board of Trustees of the Walters Art Gallery; one from a list of two nominated by the Council of the Maryland Historical Society; one to be a member of the Baltimore City Council nominated by the President of that body; one to be an architect registered to practice his profession in the State of Maryland and actually practicing as such in the City of Baltimore; one to be a teacher of history in a recognized college or university located in the State of Maryland or an individual engaged as an historian by a nonprofit organization devoted to matters of historic interest; and four to be citizens [residing in the City of Baltimore] actively interested in civic improvement.

(e) Vacancies. Any vacancy in the membership of the Commission caused by the expiration of a term or by the resignation, removal, death, or permanent absence from the City of Baltimore of an incumbent or by a superseding incapacity on his part, whether physical or mental, to discharge his duties, or by any other cause creating such a vacancy, either actual or in effect, shall be filled for a new term or for the remainder of the term of such incumbent, as the case may be, in the same manner as provided herein for the nomination and appointment of the first members of the Commission. Any member of the Commission shall be eligible for renomination and reappointment. ALL VACANCIES SHALL BE FILLED WITHIN 60 DAYS.

(q) Procedure for altering a structure in a Preservation District or on a List.

(6) In passing upon the appropriateness, the Commission shall consider, in addition to any other pertinent factors, the historic or architectural value and significance, architectural style, general design, arrangement, texture, material and color of the exterior architectural

features of other structures in the immediate neighborhood. THE COMMISSION SHALL ALSO CONSIDER THE LOCATION AND VISIBILITY OF THE PROPOSED STRUCTURE OR ALTERATION. THE HISTORIC OR ARCHITECTURAL VALUE AND SIGNIFICANCE OF THE STRUCTURE AND THE LOCATION OF THE PROPOSED ADDITION OR ALTERATION SHALL BE CONSIDERED BY THE COMMISSION IN DETERMINING WHETHER A STRICT OR LENIENT REVIEW OF THE PROPOSAL SHALL OCCUR. THE PUBLISHED HISTORIC PRESERVATION GUIDELINES SHALL ALSO BE CONSIDERED BY THE COMMISSION IN DETERMINING WHETHER THE PROPOSAL SHOULD BE APPROVED.

(V-I) SEVERABILITY. IF ANY PROVISION OF THIS SUBTITLE OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID FOR ANY REASON IN A COURT OF COMPETENT JURISDICTION, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR ANY OTHER APPLICATION OF THIS SUBTITLE WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND FOR THIS PURPOSE THE PROVISIONS OF THIS SUBTITLE ARE DECLARED SEVERABLE.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved March 1, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 170

(Council Bill No. 360)

AN ORDINANCE concerning

FOREST AND TREE CONSERVATION

FOR the purpose of providing for a Baltimore City Forest and Tree Conservation Program, imposing certain requirements on any person making an application for grading or development of a parcel of land 20,000 square feet or greater, providing exceptions,

imposing penalties, and generally relating to the conservation of forests and trees.

BY adding

New Article 9A - Forest and Tree Conservation

Sections 1-1 through 12-3

Baltimore City Code (1983 Replacement Volume, as amended)

WHEREAS, By the provisions of the Natural Resources Article, Sec. 5-1601--5-1612, Annotated Code of Maryland, the Mayor and City Council of Baltimore is required to adopt, and from time to time amend, a comprehensive local forest conservation program; and

WHEREAS, The Mayor and City Council of Baltimore finds that the preservation, protection, and planting of trees aids in the stabilization of soil by the prevention of erosion and sedimentation; reduces stormwater runoff and the potential damage it may create; aids in the removal of pollutants from the air and assists in the generation of oxygen; provides a buffer and screen against noise and pollution; provides protection against severe weather; aids in the control of drainage and restoration of denuded soil subsequent to construction or grading; provides a haven for birds and other wildlife and otherwise enhances the environment; provides shade and shelter for people; protects and increases property values; conserves and enhances the City's physical and aesthetic appearance; and generally protects the public health and safety as well as the general welfare; now, therefore

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 9A - FOREST AND TREE CONSERVATION

TITLE 1 - DEFINITIONS

1-1. DEFINITIONS AND STATUTE REFERENCES.

IN THIS ORDINANCE THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(A) "AFFORESTATION" MEANS:

(1) THE ESTABLISHMENT OF FOREST COVER ON AN AREA FROM WHICH IT HAS ALWAYS OR VERY LONG BEEN ABSENT, OR

(2) THE PLANTING OF OPEN AREAS WHICH ARE NOT PRESENTLY IN FOREST COVER; AND

(3) ESTABLISHMENT OF A FOREST ACCORDING TO PROCEDURES SET FORTH IN THE BALTIMORE CITY FOREST CONSERVATION MANUAL.

(B) "BALTIMORE CITY FOREST CONSERVATION MANUAL" (MANUAL) INCLUDES THE STATE FOREST CONSERVATION MANUAL AND THE BALTIMORE CITY FOREST CONSERVATION SUPPLEMENT TO THE STATE FOREST CONSERVATION MANUAL.

(C) "CHAMPION TREE" MEANS THE LARGEST TREE OF ITS SPECIES WITHIN THE UNITED STATES, THE STATE, COUNTY, OR MUNICIPALITY, AS DETERMINED PURSUANT TO THE CRITERIA SET FORTH IN THE BALTIMORE CITY FOREST CONSERVATION MANUAL.

(D) "CLEAR" MEANS REMOVAL OF ANY WOODY PLANT, WHEREIN THE STUMP AND ROOT MASS ARE PHYSICALLY REMOVED.

(E) "COMMERCIAL LOGGING OR TIMBER HARVESTING OPERATIONS" MEANS THOSE ACTIVITIES WHICH RESULT IN THE CUTTING AND REMOVING OF TREE STEMS FROM A SITE FOR COMMERCIAL PURPOSES, LEAVING THE ROOT MASS INTACT.

(F) "CUT" MEANS THE REMOVAL OF A WOODY PLANT, WHEREIN THE STUMP AND ROOT MASS REMAIN IN PLACE AND INTACT.

(G) "DECLARATION OF INTENT" MEANS A DOCUMENT WHOSE PURPOSE IS TO VERIFY THAT THE PROPOSED ACTIVITY IS EXEMPT UNDER THE PROVISIONS OF THE NATURAL RESOURCES ARTICLE AND THIS ARTICLE.

(H) "DEPARTMENT" MEANS THE BALTIMORE CITY DEPARTMENT OF PLANNING.

(I) "FOREST" INCLUDES:

(1) A BIOLOGICAL COMMUNITY DOMINATED BY TREES AND OTHER WOODY PLANTS COVERING A LAND AREA OF 4000 SQUARE FEET OR GREATER. THIS AREA MUST HAVE A LIVE TREE DENSITY OF AT LEAST 100 TREES PER ACRE WITH AT LEAST 50% OF THOSE TREES HAVING A 2 INCH OR GREATER DIAMETER AT 4.5 FEET ABOVE THE GROUND;

(2) AREAS THAT HAVE BEEN CUT, BUT NOT CLEARED;
AND

(3) "FOREST" DOES NOT INCLUDE ORCHARDS OR CHRISTMAS TREE PLANTATIONS.

(J) "FOREST CONSERVATION" MEANS THE RETENTION OF EXISTING FOREST OR THE CREATION OF NEW FOREST AS PRESCRIBED BY THE DEPARTMENT OF PLANNING AND THE BALTIMORE CITY FOREST CONSERVATION MANUAL.

(K) "FOREST CONSERVATION PLAN" MEANS A PLAN APPROVED PURSUANT TO TITLES 3, 5, AND 6 OF THIS ARTICLE AND THE REQUIREMENTS OF THE BALTIMORE CITY FOREST CONSERVATION MANUAL.

(L) "FOREST STAND DELINEATION" MEANS THE DESCRIPTION OF THE EXISTING VEGETATION ON A SITE PROPOSED FOR DEVELOPMENT, PREPARED ACCORDING TO THE REQUIREMENTS OF THE BALTIMORE CITY FOREST CONSERVATION TECHNICAL MANUAL AND THIS ARTICLE.

(M) "FORESTED SLOPE" MEANS AN AREA WHICH MEETS THE DEFINITION OF FOREST, GROWING ON AN AREA WITH A SLOPE OF 25 PERCENT OR MORE.

(N) "OFF-SITE" MEANS NOT ON THE SAME PROPERTY AS THE ACTIVITY WHICH IS PROPOSED, IS OCCURRING, OR WHICH HAS OCCURRED.

(O) "ON-SITE" MEANS THE AREA LOCATED WITHIN THE LEGAL BOUNDARY OF THE PROPERTY ON WHICH THE REGULATED ACTIVITY IS PROPOSED, IS OCCURRING, OR HAS OCCURRED.

(P) "PERSON" INCLUDES THE FEDERAL GOVERNMENT, THE STATE, ANY COUNTY, MUNICIPAL CORPORATION, OR OTHER POLITICAL SUBDIVISION OF THE STATE, OR ANY OF THEIR UNITS,

OR AN INDIVIDUAL, RECEIVER, TRUSTEE, GUARDIAN, EXECUTOR, ADMINISTRATOR, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND, OR ANY PARTNERSHIP, FIRM, ASSOCIATION, PUBLIC OR PRIVATE CORPORATION, OR ANY OF THEIR AFFILIATES, OR ANY OTHER ENTITY.

(Q) "REFOREST" OR "REFORESTATION" MEANS TO CREATE A BIOLOGICAL COMMUNITY DOMINATED BY TREES AND OTHER WOODY PLANTS CONTAINING AT LEAST 100 TREES PER ACRE WITH AT LEAST 50% OF THOSE TREES HAVING THE POTENTIAL OF ATTAINING A 2 INCH OR GREATER DIAMETER MEASURED AT 4.5 FEET ABOVE THE GROUND WITHIN 5 YEARS AND INCLUDES AFFORESTATION OR ESTABLISHMENT OF A FOREST ACCORDING TO PROCEDURES SET FORTH IN THE BALTIMORE CITY FOREST CONSERVATION MANUAL.

(R) "REGULATED ACTIVITY" MEANS ANY ACTIVITY SUBJECT TO THE REQUIREMENTS OF SECTION 2(A) OF THIS ARTICLE.

(S) "RETENTION" MEANS THE DELIBERATE HOLDING AND PROTECTING OF EXISTING TREES, SHRUBS OR PLANTS ON THE SITE ACCORDING TO ESTABLISHED STANDARDS IN THE BALTIMORE CITY FOREST CONSERVATION MANUAL.

(T) "TIMBER HARVESTING" MEANS A TREE CUTTING OPERATION AFFECTING ONE OR MORE ACRES OF FOREST OR DEVELOPED WOODLAND WITHIN A ONE YEAR INTERVAL THAT DISTURBS 5,000 SQUARE FEET OR MORE OF FOREST FLOOR. TIMBER HARVESTING DOES NOT INCLUDE GRUBBING AND CLEARING OF ROOT MASS.

(U) "TRACT" MEANS PROPERTY OR LAND UNIT SUBJECT TO AN APPLICATION FOR A GRADING OR SEDIMENT CONTROL PERMIT, SUBDIVISION APPROVAL, SITE PLAN APPROVAL, OR ANY AREA SUBJECT TO THIS ARTICLE.

(V) "TREE" MEANS A LARGE, WOODY PLANT HAVING 1 OR SEVERAL SELF-SUPPORTING STEMS OR TRUNKS AND NUMEROUS BRANCHES THAT REACH A HEIGHT OF AT LEAST 20 FEET AT MATURITY.

(W) "UNDERSTORY" MEANS HERBACEOUS AND WOODY PLANTS GROWING UNDER THE TREE CANOPY OR OVERSTORY.

(X) "VARIANCE" MEANS THE PROCESS OF OBTAINING APPROVAL FOR A FOREST CONSERVATION PLAN THAT DOES NOT STRICTLY CONFORM TO THE STANDARDS AND REQUIREMENTS SET FORTH IN THIS ARTICLE.

1-2. STATUTE REFERENCES.

(A) WHENEVER A PROVISION OF THIS ARTICLE REFERS TO ANY PORTION OF THE MARYLAND CODE, CODE OF MARYLAND REGULATIONS, AND THE STATE FOREST CONSERVATION MANUAL, THE REFERENCE APPLIES TO ANY SUBSEQUENT AMENDMENT TO THAT PORTION OF THE CODE, REGULATIONS, OR MANUAL UNLESS THE REFERRING PROVISION EXPRESSLY PROVIDES OTHERWISE.

TITLE 2 - APPLICATION

2-1. EXCEPT AS PROVIDED IN SECTION 2.2 OF THIS TITLE, THE ARTICLE APPLIES TO:

(A) ANY PERSON MAKING APPLICATION FOR A GRADING OR SEDIMENT AND EROSION CONTROL PERMIT ON A PARCEL OF LAND 20,000 SQUARE FEET OR GREATER.

(B) ANY PERSON MAKING APPLICATION FOR A SUBDIVISION OR DEVELOPMENT PLAN ON A PARCEL OF LAND GREATER THAN 20,000 SQUARE FEET.

(C) ANY PERSON APPLYING AFTER JANUARY 1, 1993, FOR SUBDIVISION OR SITE PLAN APPROVAL LESS THAN 5 YEARS AFTER THE AREA HAS BEEN CUT.

(D) A PUBLIC UTILITY NOT EXEMPT UNDER SECTION 2.2(C) OF THIS TITLE.

2-2. THIS ARTICLE DOES NOT APPLY TO:

(A) ANY HIGHWAY CONSTRUCTION ACTIVITY THAT IS SUBJECT TO THE NATURAL RESOURCES ARTICLE, SECTION 5-103, ANNOTATED CODE OF MARYLAND;

(B) COMMERCIAL LOGGING AND TIMBER HARVESTING OPERATIONS, SUBJECT TO THE FOREST CONSERVATION AND

MANAGEMENT PROGRAM UNDER THE TAX PROPERTY ARTICLE, SEC. 8-211, ANNOTATED CODE OF MARYLAND:

(1) THAT WERE COMPLETED BEFORE JULY 1, 1991; OR

(2) WERE COMPLETED ON OR AFTER JULY, 1991 ON PROPERTY WHICH:

(I) IS THE SUBJECT OF A DECLARATION OF INTENT SIGNED BY THE LAND OWNER AND APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND THE MARYLAND DEPARTMENT OF NATURAL RESOURCE'S PROJECT FORESTER'S OFFICE AS PROVIDED IN COMAR 08.19.01.05; AND

(II) HAS NOT BEEN THE SUBJECT OF AN APPLICATION FOR A GRADING PERMIT FOR DEVELOPMENT WITHIN FIVE YEARS AFTER A LOGGING OR TIMBER HARVESTING OPERATION, BUT AFTER THIS 5-YEAR PERIOD THE PROPERTY SHALL BE SUBJECT TO THIS TITLE;

(C) THE CUTTING OR CLEARING OF PUBLIC UTILITY RIGHTS-OF-WAY OR LAND FOR ELECTRIC GENERATING STATIONS LICENSED UNDER ARTICLE 78, SECTIONS 54A, 54B OR 54-I OF THE MARYLAND CODE IF:

(1) REQUIRED CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY HAVE BEEN ISSUED IN ACCORDANCE WITH NATURAL RESOURCES ARTICLE, SECTION 5-1603(F), ANNOTATED CODE OF MARYLAND; AND

(2) THE CUTTING OR CLEARING OF THE FOREST IS CONDUCTED SO AS TO MINIMIZE THE LOSS OF FOREST;

(D) ROUTINE MAINTENANCE OR EMERGENCY REPAIRS OF PUBLIC UTILITY RIGHTS-OF-WAY, IF:

(1) THE RIGHT-OF-WAY EXISTED BEFORE THE EFFECTIVE DATE OF THE STATE OR THIS PROGRAM; OR

(2) THE RIGHT-OF-WAY'S INITIAL CONSTRUCTION WAS APPROVED UNDER THIS ARTICLE;

(E) ANY NONCOAL SURFACE MINING REGULATED UNDER TITLE 7, SUBTITLE 6A OF THE NATURAL RESOURCES ARTICLE, ANNOTATED CODE OF MARYLAND;

(F) ANY PRELIMINARY PLAN OF SUBDIVISION OR ANY GRADING OR SEDIMENT CONTROL PLAN APPROVED BEFORE JULY 1, 1991;

(G) AREAS COVERED BY THE CHESAPEAKE BAY CRITICAL AREA PROTECTION LAW;

(H) A REAL ESTATE TRANSFER TO PROVIDE A SECURITY, LEASEHOLD, OR OTHER LEGAL OR EQUITABLE INTEREST, INCLUDING A TRANSFER OF TITLE, A PORTION OF A LOT OR PARCEL, IF:

(I) THE TRANSFER DOES NOT INVOLVE A CHANGE IN LAND USE OR NEW DEVELOPMENT OR DEVELOPMENT, WITH ASSOCIATED LAND DISTURBING ACTIVITIES, AND

(II) BOTH THE GRANTOR AND GRANTEE FILE A DECLARATION OF INTENT;

(I) ANY ACTIVITY CONDUCTED ON A SINGLE LOT OF ANY SIZE PROVIDED THAT THE ACTIVITY:

(I) DOES NOT RESULT IN THE CUMULATIVE CUTTING OR CLEARING OF 20,000 SQUARE FEET OR GREATER OF FOREST;

(II) DOES NOT INCLUDE AN APPLICATION FOR A GRADING OR SEDIMENT AND EROSION CONTROL PERMIT FOR DISTURBANCE OF 20,000 SQUARE FEET OR GREATER;

(J) AN ACTIVITY REQUIRED FOR THE PURPOSE OF CONSTRUCTING A DWELLING HOUSE INTENDED FOR THE USE OF THE OWNER, OR A CHILD OR A GRANDCHILD OF THE OWNER, IF THE ACTIVITY:

(I) DOES NOT RESULT IN THE CUMULATIVE CUTTING OR CLEARING OF 20,000 SQUARE FEET OR GREATER OF FOREST;

(II) DOES NOT INCLUDE AN APPLICATION FOR A GRADING OR SEDIMENT AND EROSION CONTROL PERMIT OF 20,000 SQUARE FEET OR GREATER; AND

(III) IS THE SUBJECT OF A DECLARATION OF INTENT FILED WITH THE DEPARTMENT PURSUANT TO SECTION 3G OF THIS ARTICLE.

TITLE 3 - GENERAL REQUIREMENTS

3-1. ANY PERSON SUBJECT TO THIS ORDINANCE:

(A) SHALL SUBMIT TO THE DEPARTMENT:

(1) A FOREST STAND DELINEATION FOR THE PROPERTY ON WHICH THE DEVELOPMENT IS LOCATED ACCORDING TO GUIDELINES SET FORTH IN THE BALTIMORE CITY FOREST CONSERVATION MANUAL AND THIS ARTICLE;

(2) A FOREST CONSERVATION PLAN FOR THE PROPERTY ON WHICH THE DEVELOPMENT IS LOCATED ACCORDING TO GUIDELINES SET FORTH IN THE MANUAL AND THIS ARTICLE;

(B) SHALL USE METHODS PROVIDED IN THE MANUAL TO PROTECT RETAINED FOREST AND TREES DURING CONSTRUCTION; AND

(C) IF A CITY AGENCY USING STATE FUNDS MAKES APPLICATION TO CONDUCT A REGULATED ACTIVITY, THE PROVISIONS OF COMAR 08.19.04.01D-G APPLY.

3-2. THE FOREST STAND DELINEATION, THE FOREST CONSERVATION PLAN, INCLUDING PRELIMINARY AND FINAL PLAN, AND THE AFFORESTATION PLAN SHALL BE PREPARED BY A LICENSED FORESTER, LICENSED LANDSCAPE ARCHITECT, OR OTHER QUALIFIED PROFESSIONAL AS PROVIDED IN COMAR 08.19.06.01B.

3-3. THE DEPARTMENT SHALL REVIEW AN APPLICATION FOR A FOREST STAND DELINEATION, FORESTATION AND DEFORESTATION PLANS, AND PRELIMINARY AND FINAL FOREST CONSERVATION PLANS TO DETERMINE WHETHER THEY ARE COMPLETE AND CORRECT, AND SHALL ACKNOWLEDGE RECEIPT OF THE APPLICATION IN WRITING BY REGULAR FIRST CLASS MAIL.

3-4. THE DEPARTMENT SHALL CONSIDER A FOREST STAND DELINEATION, AND PRELIMINARY AND FINAL FOREST CONSERVATION PLANS AND AFFORESTATION PLANS COMPLETE IF THEY CONTAIN ALL OF THE REQUIRED INFORMATION LISTED IN THE BALTIMORE CITY FOREST CONSERVATION MANUAL.

3-5. NOTIFICATION OF COMPLETENESS.

(A) WITHIN 45 CALENDAR DAYS AFTER RECEIPT OF THE FOREST STAND DELINEATION, AND THE PRELIMINARY AND FINAL FOREST CONSERVATION PLANS, AND THE AFFORESTION PLAN, THE DEPARTMENT SHALL NOTIFY THE APPLICANT BY MAIL WHETHER THE APPLICATION IS COMPLETE AND CORRECT OR IF ADDITIONAL INFORMATION IS REQUIRED.

(B) IF THE DEPARTMENT FAILS TO NOTIFY THE APPLICANT WITHIN 45 DAYS, ANY PLAN SUBMITTED SHALL BE TREATED AS COMPLETE AND CORRECT.

(C) THE DEPARTMENT MAY REQUIRE FURTHER INFORMATION OR PROVIDE FOR AN ADDITIONAL FIFTEEN CALENDAR DAYS FOR REVIEW OF AN APPLICATION UNDER EXTENUATING CIRCUMSTANCES.

3-6. AUTHORIZED SIGNATORY.

(A) THE FOREST STAND DELINEATION, PRELIMINARY AND FINAL FOREST CONSERVATION PLANS AND AFFORESTATION/REFORESTATION PLANS SHALL BE SIGNED BY:

(1) AN OFFICER OF THE CORPORATION OR AN AUTHORIZED AGENT OF A CORPORATION;

(2) AN AUTHORIZED OFFICIAL OF A FEDERAL, STATE OR LOCAL GOVERNMENT;

(3) A PARTNER OF AN ASSOCIATION OR PARTNERSHIP; OR

(4) AN INDIVIDUAL APPLICANT.

(B) THE INDIVIDUAL WHO SIGNS AN APPLICATION IS RESPONSIBLE FOR THE TRUTH, ACCURACY, AND COMPLETENESS OF ALL INFORMATION IN THE APPLICATION.

3-7. DECLARATION OF INTENT.

(A) A PERSON SEEKING AN EXEMPTION UNDER SECTION 2-2 OF THIS ARTICLE SHALL FILE A DECLARATION OF INTENT WITH THE DEPARTMENT.

(B) THE DECLARATION OF INTENT SHALL BE AS SPECIFIED IN COMAR 08.19.01.05.

(C) THE DECLARATION OF INTENT IS EFFECTIVE FOR 5 YEARS.

3-8. IF A PERSON IS APPLYING FOR A GRADING OR SEDIMENT AND EROSION CONTROL PERMIT OF AN AREA BETWEEN 20,000 SQUARE FEET AND 40,000 SQUARE FEET IN SIZE, ONLY THE AREA OF DISTURBANCE IS SUBJECT TO REFORESTATION AND AFFORESTATION CALCULATIONS.

TITLE 4 - FOREST STAND DELINEATION

4-1. TIME FOR SUBMITTAL.

(A) A FOREST STAND DELINEATION FOR THE AFFECTED TRACT SHALL BE SUBMITTED:

(1) AT THE INITIAL STAGES OF SUBDIVISION OR SITE PLAN APPROVAL;

(2) BEFORE A GRADING PERMIT APPLICATION IS SUBMITTED; OR

(3) BEFORE A SEDIMENT AND EROSION CONTROL APPLICATION IS SUBMITTED.

(B) IF THE FOREST STAND DELINEATION IS NOT SUBMITTED AT THIS TIME, NO ACTION WILL BE TAKEN ON THE APPLICATION REQUEST.

4-2. A SIMPLIFIED FOREST STAND DELINEATION MAY BE SUBMITTED FOR AN AREA:

(A) WHEN NO FOREST COVER WILL BE DISTURBED DURING ANY CONSTRUCTION ACTIVITY;

(B) WHEN AN AREA IS DESIGNATED TO BE PROTECTED UNDER A LONG TERM PROTECTIVE AGREEMENT;

(C) WHEN THERE IS NO EXISTING FOREST ON THE SITE; OR

(D) WHEN APPROVED BY THE DEPARTMENT.

4-3. THE DEPARTMENT SHALL CONSIDER A SIMPLIFIED FOREST STAND DELINEATION COMPLETE IF IT INCLUDES:

(A) A TOPOGRAPHIC MAP DELINEATING INTERMITTENT AND PERENNIAL STREAMS AND STEEP SLOPES OVER 25 PERCENT;

(B) A SOILS MAP;

(C) LOCATION OF 100 YEAR FLOODPLAIN; AND

(D) ANY OTHER INFORMATION NECESSARY FOR THE DEPARTMENT TO REVIEW THE APPLICATION.

4-4. AN APPROVED FOREST STAND DELINEATION MAY REMAIN IN EFFECT FOR A PERIOD NOT LONGER THAN FIVE YEARS.

TITLE 5 - PRELIMINARY FOREST CONSERVATION PLAN SUBMITTAL PROCEDURES.

5-1. THE REVIEW OF A PRELIMINARY FOREST CONSERVATION PLAN SHALL BE CONCURRENT WITH THE REVIEW OF THE PRELIMINARY SITE PLAN.

5-2. A PRELIMINARY FOREST CONSERVATION PLAN MAY BE MODIFIED DURING THE DIFFERENT STAGES OF THE REVIEW PROCESS, PROVIDED THE DEPARTMENT APPROVES THE CHANGES.

TITLE 6 - FINAL FOREST CONSERVATION PLAN SUBMITTAL PROCEDURES.

6-1. IN DEVELOPING A FOREST CONSERVATION PLAN, THE APPLICANT SHALL GIVE PRIORITY TO TECHNIQUES FOR RETAINING EXISTING FOREST ON THE SITE. IF EXISTING FOREST ON THE SITE SUBJECT TO A FOREST CONSERVATION PLAN CANNOT BE RETAINED, THE APPLICANT SHALL DEMONSTRATE TO THE

SATISFACTION OF THE DEPARTMENT HOW TECHNIQUES FOR RETENTION HAVE BEEN EXHAUSTED.

6-2. THE DEPARTMENT, ITS DESIGNEE OR OTHER RESPONSIBLE AGENCY, AT THE REQUEST OF THE DEPARTMENT, MAY REVOKE AN APPROVED FOREST CONSERVATION PLAN INCLUDING A REFORESTATION AND AFFORESTATION PLAN, IF IT FINDS THAT:

(A) ANY PROVISION OF THE PLAN HAS BEEN VIOLATED;

(B) APPROVAL OF THE PLAN WAS OBTAINED THROUGH FRAUD, MISREPRESENTATION, A FALSE OR MISLEADING STATEMENT, OR OMISSION OF A RELEVANT OR MATERIAL FACT; OR

(C) CHANGES IN THE DEVELOPMENT OR IN THE CONDITION OF THE SITE NECESSITATE PREPARATION OF A NEW OR AMENDED PLAN.

6-3. PRIOR TO REVOKING APPROVAL OF A FOREST CONSERVATION PLAN, THE DEPARTMENT SHALL NOTIFY THE OWNER AND/OR DEVELOPER IN WRITING AND PROVIDE AN OPPORTUNITY FOR HEARING BEFORE THE BALTIMORE CITY PLANNING COMMISSION.

6-4. IF A FOREST CONSERVATION PLAN IS REQUIRED BY THIS ARTICLE, A PERSON SHALL NOT CUT, CLEAR, OR GRADE ON THE DEVELOPMENT SITE UNTIL THE DEPARTMENT HAS APPROVED THE PLAN.

6-5. THE PLAN CANNOT BE ALTERED WITHOUT FIRST OBTAINING APPROVAL FROM THE DEPARTMENT.

TITLE 7 - REFORESTATION AND AFFORESTATION

7-1. AFTER EVERY REASONABLE EFFORT TO MINIMIZE THE CUTTING OF TREES AND OTHER WOODY PLANTS IS EXHAUSTED IN THE DEVELOPMENT OF A SUBDIVISION PLAN, AND/OR GRADING AND SEDIMENT CONTROL PLANS, THE FOREST CONSERVATION PLAN SHALL PROVIDE FOR REFORESTATION OR AFFORESTATION.

7-2. THE REQUIRED SEQUENCE FOR REFORESTATION OR AFFORESTATION, AFTER TECHNIQUES FOR RETAINING EXISTING FOREST ON THE SITE HAVE BEEN EXHAUSTED, IS AS FOLLOWS:

(A) ON-SITE REFORESTATION OR AFFORESTATION, AS SPECIFIED IN THE BALTIMORE CITY FOREST CONSERVATION MANUAL;

(B) OFF-SITE REFORESTATION OR AFFORESTATION WITHIN THE CITY SHALL BE AS SPECIFIED FOR ON SITE REFORESTATION; AND

(C) PAYMENT INTO THE CITY FOREST CONSERVATION FUND.

7-3. (A) PERSONS REQUIRED TO CONDUCT REFORESTATION OR AFFORESTATION SHALL FOLLOW THE PRIORITY GUIDELINES OUTLINED IN THE BALTIMORE CITY FOREST CONSERVATION MANUAL.

(B) A PERSON REQUIRED TO CONDUCT REFORESTATION OR AFFORESTATION UNDER THIS ARTICLE SHALL ACCOMPLISH THE ACTION WITHIN 1 YEAR OR 2 GROWING SEASONS FOLLOWING THE ISSUANCE OF A GRADING PERMIT, ALLOWING FOR PHASING IN THE PLAN.

TITLE 8 - FOREST CONSERVATION FUND

8-1. IF NEITHER REFORESTATION NOR AFFORESTATION IS POSSIBLE, THE APPLICANT MAY MAKE PAYMENT INTO THE FOREST CONSERVATION FUND. PAYMENT MAY BE ACCEPTED INTO THE CONSERVATION FUND UNDER THE FOLLOWING CIRCUMSTANCES:

(A) REFORESTATION OR AFFORESTATION ON SITE IS TECHNICALLY INFEASIBLE; AND

(B) AN ACCEPTABLE REFORESTATION OR AFFORESTATION SITE CANNOT BE FOUND ON OTHER LAND WITHIN BALTIMORE CITY.

TITLE 9 - PAYMENT IN LIEU OF REFORESTATION

9-1. THERE IS HEREBY CREATED A BALTIMORE CITY FOREST CONSERVATION FUND.

9-2. A PERSON PERMITTED BY TITLE 8 OF THIS ARTICLE TO CONTRIBUTE TO THIS FUND IN LIEU OF REFORESTATION OR AFFORESTATION SHALL MAKE A PAYMENT TO THE BALTIMORE CITY CONSERVATION FUND OF 30¢ PER SQUARE FOOT OF THE AREA REQUIRING PLANTING.

9-3. MONEY CONTRIBUTED IN LIEU OF REFORESTATION SHALL BE PAID AT THE TIME OF THE ISSUANCE OF THE GRADING PERMIT FOR THE DEVELOPMENT PROJECT.

9-4. THE CITY SHALL ACCOMPLISH THE REFORESTATION OR AFFORESTATION FOR WHICH THE MONEY IS DEPOSITED WITHIN 2 YEARS OR 3 GROWING SEASONS, AS APPROPRIATE, AFTER RECEIPT OF THE MONEY. AT THE END OF THAT TIME, ANY PART THAT HAS NOT BEEN USED TO MEET THE AFFORESTATION OR REFORESTATION REQUIREMENTS SHALL BE RETURNED TO THE PERSON WHO PROVIDED THE MONEY.

9-5. MONEY CONTRIBUTED UNDER THIS TITLE:

(A) MAY BE USED ONLY FOR REFORESTATION, INCLUDING SITE IDENTIFICATION, ACQUISITION, PREPARATION, MANAGEMENT AND MAINTENANCE;

(B) SHALL BE DEPOSITED IN A SEPARATE FOREST CONSERVATION FUND;

(C) SHALL NOT REVERT TO THE GENERAL FUND; AND

(D) SITES SELECTED FOR USE OF FUNDS SHALL BE LOCATED IN THE CITY OF BALTIMORE.

TITLE 10 - FINANCIAL SECURITY FOR AFFORESTATION AND REFORESTATION

10-1. BONDING. A PERSON REQUIRED TO CONDUCT AFFORESTATION OR REFORESTATION UNDER THIS ARTICLE SHALL FURNISH FINANCIAL SECURITY IN THE FORM OF A BOND, AN IRREVOCABLE LETTER OF CREDIT, OR OTHER SECURITY APPROVED BY THE DEPARTMENT AS PROVIDED IN THE BALTIMORE CITY CONSERVATION SUPPLEMENT TO THE STATE CONSERVATION MANUAL.

TITLE 11 - VARIANCES

11-1. VARIANCES FROM THIS ORDINANCE MAY BE GRANTED BY THE PLANNING COMMISSION, IF THE APPLICANT DEMONSTRATES

THAT ENFORCEMENT WOULD RESULT IN UNWARRANTED
HARDSHIP TO THE APPLICANT.

11-2. AN APPLICANT FOR A VARIANCE SHALL:

(A) DESCRIBE THE SPECIAL CONDITIONS PECULIAR TO THE
PROPERTY WHICH WOULD CAUSE THE UNWARRANTED HARDSHIP;

(B) DESCRIBE HOW ENFORCEMENT OF THESE RULES WILL
DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY
OTHERS IN SIMILAR AREAS;

(C) VERIFY THAT THE GRANTING OF THE VARIANCE WILL NOT
CONFER ON THE APPLICANT A SPECIAL PRIVILEGE THAT WOULD BE
DENIED TO OTHER APPLICANTS;

(D) VERIFY THAT THE VARIANCE REQUEST IS NOT BASED ON
CONDITIONS OR CIRCUMSTANCES WHICH ARE THE RESULT OF
ACTIONS BY THE APPLICANT;

(E) VERIFY THAT THE REQUEST DOES NOT ARISE FROM A
CONDITION RELATING TO LAND OR BUILDING USE, EITHER
PERMITTED OR NONCONFORMING, ON A NEIGHBORING PROPERTY;
AND

(F) SUCH OTHER CRITERIA THAT THE PLANNING COMMISSION
MAY SET BY RULE AND REGULATION.

TITLE 12 - PENALTIES

12-1. (A) THE PROVISIONS OF THIS ARTICLE SHALL BE ENFORCED
BY THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT IN THE MANNER PROVIDED IN
SECTION 110.1 OF THE BALTIMORE CITY BUILDING CODE.

(B) A PERSON FOUND TO BE IN NONCOMPLIANCE WITH THIS
ARTICLE, OR THE REGULATIONS ADOPTED THEREUNDER, THE
FOREST CONSERVATION PLAN OR THE ASSOCIATED 2-YEAR
MAINTENANCE AGREEMENT, SHALL BE FINED A PENALTY OF 60
CENTS PER SQUARE FOOT OF THE AREA FOUND TO BE IN
NONCOMPLIANCE WITH REQUIRED FOREST CONSERVATION.

(C) MONEY COLLECTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE DEPOSITED IN THE FOREST CONSERVATION FUND ESTABLISHED BY THE DIRECTOR OF FINANCE, AND MAY BE USED BY THE CITY FOR PURPOSES RELATED TO IMPLEMENTING THIS ARTICLE.

12-2. VIOLATION.

(A) IN ADDITION, ANY PERSON WHO VIOLATES ANY PROVISION OF THIS ARTICLE OR ANY REGULATION OR ORDER ADOPTED OR ISSUED THEREUNDER, IS LIABLE FOR A PENALTY NOT EXCEEDING \$1000 PER VIOLATION, WHICH MAY BE RECOVERED IN A CIVIL ACTION BROUGHT BY THE CITY.

(B) EACH DAY A VIOLATION CONTINUES IS A SEPARATE VIOLATION.

12-3. THE DEPARTMENT MAY REQUEST THE CITY SOLICITOR TO SEEK AN INJUNCTION REQUIRING A PERSON TO CEASE VIOLATION OF THIS ARTICLE AND TO TAKE CORRECTIVE ACTION TO RESTORE OR REFOREST AN AREA.

SEC. 2. AND BE IT FURTHER ORDAINED, That the Planning Commission has the authority to make minor changes in the Baltimore City Forest Conservation Manual after a public hearing on the proposed changes.

SEC. 3. AND BE IT FURTHER ORDAINED, That if any provision of this ordinance or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this ordinance which can be given effect without the invalid provisions or application, and for this purpose the provisions of this ordinance are declared severable.

SEC. 4. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved March 1, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 171

(Council Bill No. 362)

AN ORDINANCE concerning

BUILDING CODE - APPLICATION FOR PERMIT

FOR the purpose of providing that all grading and excavation work must meet the requirements of the Baltimore City Forest and Tree Conservation Program.

BY repealing and reordaining with amendments

Article 32 - Building Code

Section 111.0

Baltimore City Building Code (1990 Edition, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Building Code (1990 Edition, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 32 - BUILDING CODE

Section 111.0 Application For Permit

111.1 When permit is required: A permit issued by the building official is required before any person may construct, alter, add to, rehabilitate, raze, or move a building or structure, or change the use of any building, structure, or land, or install or alter any equipment for which provision is made or the installation of which is regulated by this code, or perform any grading or excavating; except that ordinary repairs, which do not involve any violation of this code, shall be exempt from this provision. In case of razing or moving a building or structure without a permit, a violation notice pursuant to Section 117.0 shall not be required prior to enforcement of this section by any appropriate legal proceeding, and penalties will be assessed pursuant to Section 117.4.

No permit involving grading, excavation, or other movement of earth shall be issued until a grading and sediment control plan has been submitted to and approved by the Director or Public Works and the

developer has certified that all land clearing, construction, and development will be done pursuant to said plan. All such work must further meet requirements of the Critical Area Management Program of Baltimore City, THE BALTIMORE CITY FOREST AND TREE CONSERVATION PROGRAM, and other applicable laws of the City and the State of Maryland.

Before any grading or excavating work or operation is started on private property which requires the hauling of excavated material over a sidewalk, a permit shall be first secured from the Director of Public Works to use such sidewalk.

A license permit shall be required to use any land, building, or other structure as a theater, opera house, moving picture theater, dance hall, skating rink, auditorium, assembly hall, music hall, arena, stadium, or for any other use as a place of public assembly, or for any other use for which a license must be secured in accordance with the laws of the City or the State of Maryland.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved March 1, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 172

(Council Bill No. 381)

AN ORDINANCE concerning

ZONING HOSPITALS - NOTICE REQUIREMENTS

FOR the purpose of amending ~~the notice requirements for the establishment of hospitals and for certain zoning changes, to conform with the requirements of Article 66B, of the Maryland Code, the definition of hospital in order to include certain medically related facilities in the 30-day notice requirement and to exclude other facilities.~~

~~1~~BY repealing and reordaining with amendments

Article 12 - Hospitals

Subtitle - Hospitals

Section 1

Baltimore City Code (1983 Replacement Volume, as amended)

~~BY repealing and reordaining with amendments~~

~~Article 30 - Zoning~~

~~Chapter 11~~

~~Section 11.0 6(c)(3)~~

~~Baltimore City Code (1983 Replacement Volume, as amended)~~

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 12 - HOSPITALS

Hospitals

1. Procedure for establishment.

It shall not be lawful to establish any hospital for the sick in the City, unless by and with the assent of the Mayor and City Council of Baltimore; provided, that before such assent shall be given, {public notice shall be given of an intention to apply to the City Council for such grant, which} ~~AT LEAST ONE PUBLIC HEARING SHALL BE HELD IN RELATION TO THE ESTABLISHMENT OF THE HOSPITAL, AT WHICH PARTIES IN INTEREST AND CITIZENS SHALL HAVE AN OPPORTUNITY TO BE HEARD. AT LEAST FIFTEEN DAYS' NOTICE OF THE TIME AND PLACE OF SUCH HEARING SHALL BE PROVIDED BY PUBLICATION IN AN OFFICIAL PAPER, OR A PAPER OF GENERAL CIRCULATION, IN BALTIMORE CITY, AND~~ public notice shall be posted in a conspicuous place on the premises {and be published at least once a week for four weeks in not less than two daily newspapers of the city, at least thirty days before the City Council shall act upon the application.}; ~~AND PROVIDED FURTHER, THAT NOTICE OF THE PROPOSED CHANGE SHALL BE SENT BY FIRST CLASS MAIL TO THE PERSON OR PERSONS WHOSE NAME LAST APPEARED AMONG THE TAX RECORDS OF BALTIMORE CITY AS THE OWNER OF THE PROPERTY.~~ "Hospital", as herein used, means any place or institution which maintains and operates facilities for the care, custody and/or

treatment of two or more non-related persons as patients suffering mental or physical ailments, and includes homes for the rehabilitation of non-bedridden alcoholic persons and drug abuse rehabilitation and treatment centers, but shall not be construed to include any dispensary or first-aid treatment facilities maintained by any commercial or industrial plant, educational institution or convent, or any nursing, convalescent, or rest home.

~~ARTICLE 30 — ZONING~~

~~Chapter 11 — Administration and Enforcement~~

~~11.06 — Amendments.~~

~~e. — Action by the City Council.~~

- ~~3. — The Committee to which the ordinance has been referred [must furnish at least 15 days' notice by publication of the first public hearing, which hearing must include] SHALL HOLD A PUBLIC HEARING AT WHICH PARTIES IN INTEREST AND CITIZENS SHALL HAVE AN OPPORTUNITY TO BE HEARD, AND WHICH SHALL INCLUDE a reading of all agency reports. AT LEAST FIFTEEN DAYS' NOTICE OF THE TIME AND PLACE OF THE HEARING SHALL BE PROVIDED BY PUBLICATION IN AN OFFICIAL PAPER, OR A PAPER OF GENERAL CIRCULATION, IN BALTIMORE CITY, AND, IN CASE OF A PROPOSED CHANGE IN THE BOUNDARY OR BOUNDARIES OF ANY ZONING DISTRICT, A SIMILAR NOTICE SHALL BE POSTED AT SUCH PLACE OR PLACES AS THE COMMITTEE SHALL DESIGNATE WITHIN THE PROPERTY PROPOSED TO BE CHANGED; AND NOTICE OF THE PROPOSED CHANGE SHALL BE SENT BY FIRST CLASS MAIL TO THE PERSON OR PERSONS WHOSE NAME LAST APPEARED AMONG THE TAX RECORDS OF BALTIMORE CITY AS THE OWNER OF THE PROPERTY PROPOSED TO BE CHANGED. Whenever an ordinance is amended subsequent to the public hearing held on an ordinance, then another public hearing must be held on the~~

~~ordinance as amended. The requirement for public notice for hearing on an ordinance shall include additional hearings and the reading of agency reports.~~

~~An amendment made in Committee or by a Committee which consists only of a change in punctuation, grammar, or spelling and does not in any way alter the substance of the ordinance does not require additional hearings.~~

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved March 1, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 173

(Council Bill No. 404)

AN ORDINANCE concerning

SUPPLEMENTARY LOAN FUND APPROPRIATION -
DEPARTMENT OF PUBLIC WORKS - \$143,470

FOR the purpose of providing a supplementary Loan Fund appropriation in the amount of \$143,470 to the Department of Public Works (Account No. 197-138) to be used for the acquisition and implementation of new heating plants and energy control devices at two City employment development centers.

BY authority of

Article VI - Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision, as amended)

WHEREAS, The money appropriated herein represents proceeds from the Community Energy Loan Program in excess of the amount from this source estimated and relied upon by the Board of Estimates in

determining the tax levy required to balance the budget for the 1993 fiscal year, and said money is therefore available for appropriation to the Department of Public Works pursuant to the provisions of Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision, as amended); and

WHEREAS, The additional sum here appropriated herein is from sources which could not be expected with reasonable certainty at the time of the formulation of the current Ordinance of Estimates in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, This supplementary Loan Fund appropriation has been recommended to the City Council by the Board of Estimates at a regular meeting of the Board held on the 11th day of November, 1992, all in accordance with Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision, as amended).

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City, the sum of \$143,470 shall be made available to the Department of Public Works (Account No. 197-138) as a supplementary Loan Fund Operating appropriation for the fiscal year ending June 30, 1993 to provide for the acquisition and implementation of new heating plants and energy control devices at two City employment development centers. The amount thus made available as a supplementary Loan Fund appropriation shall be provided from the Community Energy Loan Fund Program in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1993 fiscal year; and said funds from said Community Energy Loan Program shall be the source of revenue for this supplementary Loan Fund appropriation, as required by Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision, as amended).

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved March 1, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 174

(Council Bill No. 342)

AN ORDINANCE concerning

STREET ENCROACHMENT - 635 W. LEXINGTON STREET

FOR the purpose of authorizing the construction and maintenance of an entrance structure projecting into the public right-of-way in front of 635 W. Lexington Street.

BY authority

Article 32 - Building Code

Subtitle - Article 5 - General Building Limitations

Section 507.5, 507.8

Baltimore City Building Code (1990 edition, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the construction and maintenance of an entrance structure extending into the public right-of-way are hereby authorized in front of 635 W. Lexington Street. The entrance structure consists of four columns and a portico approximately 28 feet wide and extending into the right-of-way approximately 4 feet. On the west side of the structure is a ramp wall approximately 11 feet wide and extending into the right-of-way approximately 1 foot. Except as in this ordinance specifically provided, all ordinances and rules and regulations of the Mayor and City Council of Baltimore shall be complied with in the construction and use of the entrance structure and ramp wall.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved March 12, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 175

(Council Bill No. 344)

AN ORDINANCE concerning

STREET ENCROACHMENT - MONTEPELIER STREET

FOR the purpose of authorizing the construction and maintenance of entry steps and a handicap ramp projecting approximately 5 feet 6 inches into the public right-of-way on the northeast side of the property known as 829 Montpelier Street.

BY authority

Article 32 - Building Code

Subtitle - Article 5 - General Building Limitations

Section 507.2, 507.8

Baltimore City Building Code (1990 edition, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the construction and maintenance of entry steps and a handicap ramp are hereby authorized on the northeast side of the property known as 829 Montpelier Street. The entry steps shall be approximately 17 feet wide; the ramp shall be approximately 4 feet 4 inches wide. Both structures shall project into the public right-of-way approximately 5 feet 6 inches.

Except as specifically provided in this ordinance, all ordinances and all rules and regulations of the Mayor and City Council of Baltimore shall be complied with in the construction and maintenance of these structures.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved March 12, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 176

(Council Bill No. 350)

AN ORDINANCE concerning

CITY PROPERTY - GRANT OF EASEMENT

FOR the purpose of authorizing the Mayor and City Council of Baltimore to grant an easement for ingress and egress to a certain parcel of land that borders the City-owned Robert E. Lee Park in Baltimore County, Maryland.

BY authority of
Article 5 - Comptroller
Section 5(b)
Baltimore City Charter (1964 Revision, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Comptroller of Baltimore City be and she is hereby authorized to grant an easement to Bruce E. and Polly E. Behrens for ingress and egress, in accordance with Article V, Section 5(b) of the City Charter, in that parcel of land situate in Baltimore County, Maryland described on Exhibit A attached hereto and made a part hereof, subject to the following conditions:

1. The plans and specifications for said right of way shall be approved in writing by the City before construction.
2. The City and its employees or agents shall have access to the right-of-way easement area at all times when necessary for public purposes.
3. Grantee shall maintain the right-of-way at its sole cost and expense.
4. The City shall be protected, indemnified and saved harmless from all legal action, losses and damages resulting from injury to persons or damage to property caused by the use of the easement by the Grantee, their successors, assigns and invitees.
5. No structures shall be erected by the Grantee over the easement area except for road surfacing material approved in advance by the City.
6. Any and all construction on or within the Property herein described which affects the City-owned Robert E. Lee Park shall be in

accordance with the requirements of the Baltimore City Department of Public Works and subject to inspection and approval thereof.

7. Grantee also agrees that before any entry or acts that may affect the City's reservoir occur, the said Department of Public Works will be notified in writing.

8. The terms, conditions and agreement of this Easement Agreement shall be considered covenants running with the land on Grantee's property.

9. This easement shall be and is construed to be an easement appurtenant, benefitting the property owned by the Grantee and burdening the property owned by the City and described herein. The terms, conditions and agreement of this Easement Agreement, shall bind the successors and assigns of both Grantor and Grantee.

10. Failure by the Grantee to comply with any terms, conditions and agreement of this Easement Agreement will be considered a breach of the Agreement. In the event that the Grantee fails to cure any breach within ten (10) days after being so notified by the City, the City may at its sole discretion unilaterally declare this Agreement to be Null and Void by filing a Declaration to that effect among the Land Records of Baltimore County.

11. Grantee shall pay fair market value for said easement as determined by the City's Real Estate Officer.

SEC. 2. AND BE IT FURTHER ORDAINED, That no easement or easements shall be granted in accordance herewith, until the same shall have been first approved by the City Solicitor.

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

EXHIBIT A

METES AND BOUNDS DESCRIPTION
INGRESS AND EGRESS RIGHT OF WAY
MAYOR AND CITY COUNCIL OF BALTIMORE
TO BRUCE E. BEHRENS AND POLLY E. HIS WIFE, ET.AL.

Beginning for the same at a point, said point being located at the intersection of the Northwesternmost right of way line of L'Hirondelle Club Road as shown, laid out on Baltimore County, Department of Public Works, Bureau of Land Acquisition drawing No. R/W 90-221-2 and the last or North 23 degrees 20 minutes West 286 foot line of a deed dated the 1st day of June 1970 from Winifred Franke to Edward F. Blake Jr., and Jeannette P., his wife, said deed being recorded among the Land Records of Baltimore County, Maryland, in Liber O.T.G. 5098 Folio 137, thence binding on said line, as now surveyed, North 29 degrees 40 minutes 13 seconds West 94 feet more or less to the South 23 degrees 11 minutes 09 seconds East 30.75 foot line of the plat of "THE OBRECHT PROPERTY", said plat being recorded among the aforesaid Land Records in Plat Book Liber E.H.K.Jr. 49 Folio 90, thence binding thereon, in the meridian of said plat, North 23 degrees 11 minutes 09 seconds West 30.75 feet to a point, thence South 66 degrees 48 minutes 51 seconds West 10.75 feet to a point, thence North 23 degrees 11 minutes 09 seconds West 8 feet more or less to a point, thence Southeasterly, through the lands of the Mayor and City Council of Baltimore 17 feet more or less to a point, thence 25 feet more or less, along the arc of a curve deflecting to the right having a radius of 35 feet to a point of tangency, thence South 29 degrees 40 minutes 13 seconds East 83 feet more or less to a point on the aforesaid right of way line of L'Hirondelle Club Road, thence binding thereon 18 feet more or less along the arc of a curve deflecting to the left having a radius of 80.00 feet to the place of beginning.

Containing 1985 square feet, or 0.045 acres of land, more or less.

Being part of a deed dated _ day of ___, ___ from
_____ to the Mayor and City Council of Baltimore, also
see Ordinance No. 1155

Also being as shown on Baltimore County, Department of Public Works, Bureau of Land Acquisition drawing No. RW 90-221-2, and indicated as Temporary Construction and Adjustment Area "C".

Approved March 12, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMOREE

ORDINANCE NO. 177

(Council Bill No. 353)

AN ORDINANCE concerning

CITY PROPERTY SALE - 1118 CATHEDRAL STREET

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell at either public or private sale all of the interest of the Mayor and City Council of Baltimore in and to a certain parcel of land situated at 1118 Cathedral Street, said parcel of land being no longer needed for public use.

BY authority of
Article V - Comptroller
Section 5(b)
Baltimore City Charter (1964 Revision, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Comptroller of Baltimore City be and she is hereby authorized to sell, at either public or private sale in accordance with Article V, Section 5(b) of the City Charter (1964 Revision, as amended), all of the interest of the Mayor and City Council of Baltimore in and to a certain parcel of land situated at 1118 Cathedral Street and described as follows:

~~Beginning for the same on the west side of Cathedral Street at the distance of one hundred twenty five feet north from the corner formed by the intersection of the west side of Cathedral Street and the north side of Tyson Street (formerly Chase Street) thence by a line at right angles with Cathedral Street and a twenty foot alley called Fulton Alley westerly one hundred twenty feet to the east side of said alley; thence by a parallel line with said alley north twenty five feet thence by a line at right angles with said alley and the west side of Cathedral Street aforesaid east one hundred twenty feet to Cathedral Street thence south twenty five feet to the place of beginning. The improvements thereon being known as No. 1118 Cathedral Street.~~

BEGINNING FOR THE SAME OF THE WEST SIDE OF CATHEDRAL STREET AT THE DISTANCE OF ONE HUNDRED TWENTY-FIVE FEET NORTH FROM THE CORNER FORMED BY THE INTERSECTION OF THE WEST SIDE OF CATHEDRAL STREET AND THE NORTH SIDE OF TYSON STREET (FORMERLY CHASE STREET) THENCE BY A LINE AT RIGHT ANGLES WITH CATHEDRAL STREET AND A TWENTY FOOT ALLEY CALLED FULTON ALLEY WESTERLY ONE HUNDRED TWENTY FEET TO THE EAST SIDE OF SAID ALLEY; THENCE BY A PARALLEL LINE WITH SAID ALLEY NORTH FORTY-EIGHT FEET TO THE SOUTH SIDE OF W. CHASE STREET THENCE BINDING ON THE SOUTH SIDE OF W. CHASE STREET ONE HUNDRED TWENTY-TWO FEET TO THE INTERSECTION WITH THE WEST SIDE OF CATHEDRAL STREET THENCE SOUTH TWENTY-SIX FEET TO THE PLACE OF BEGINNING AND BEING WARD 11, SECTION 2, BLOCK 504, LOT 23/28. CONTAINING APPROXIMATELY 4435 SQUARE FEET.

Said property being no longer needed for public use.

All courses and distances in the above description are referred to as true meridian as adopted by the Baltimore Survey Control System.

SEC. 2. AND BE IT FURTHER ORDAINED, That no deed or deeds shall pass in accordance herewith until the same shall have been approved by the City Solicitor.

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved March 12, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 178

(Council Bill No. 354)

AN ORDINANCE concerning

CITY PROPERTY SALE - 609 E. CLEMENT STREET

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell at either public or private sale all of the interest of the Mayor and City Council of Baltimore in and to ~~a certain parcel of land situated at 609 E. Clement Street, said parcel of land and improvements being no longer needed for public use.~~ an annual ground rent of \$36.00 payable from 609 E. Clement Street, said ground rent being no longer needed for public use.

BY authority of
Article V - Comptroller
Section 5(b)
Baltimore City Charter (1964 Revision, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Comptroller of Baltimore City be and she is hereby authorized to sell, at either public or private sale in accordance with Article V, Section 5(b) of the City Charter (1964 Revision, as amended), all of the interest of the Mayor and City Council of Baltimore in and to ~~a certain parcel of land and improvements situated at 609 E. Clement Street and described as follows:~~ the annual ground rent of \$36.00 payable from 609 E. Clement Street (Block 1932, Lot 47).

Said property being no longer needed for public use.

All courses and distances in the above description are referred to as true meridian as adopted by the Baltimore Survey Control System.

SEC. 2. AND BE IT FURTHER ORDAINED, That no deed or deeds shall pass in accordance herewith until the same shall have been approved by the City Solicitor.

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved March 12, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 179

(Council Bill No. 355)

AN ORDINANCE concerning

CITY PROPERTY SALE - PARCEL OF LAND NEAR WARE
AND WASHINGTON AVENUES IN BALTIMORE COUNTY

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell at either public or private sale all of the interest of the Mayor and City Council of Baltimore in and to a certain parcel of land situated near Ware and Washington Avenues in Baltimore County, said parcel of land and improvements being no longer needed for public use.

BY authority of

Article V - Comptroller

Section 5(b)

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Comptroller of Baltimore City be and she is hereby authorized to sell, at either public or private sale in accordance with Article V, Section 5(b) of the City Charter (1964 Revision, as amended), all of the interest of the Mayor and City Council of Baltimore in and to a certain parcel of land situated near Ware and Washington Avenues in Baltimore County and described as follows:

Beginning for the same at the easternmost corner of the property now or formerly owned by the Mayor and City Council of Baltimore, said point of beginning being the beginning of the second line of the parcel of land conveyed by Reverend Michael Joseph Curley Roman Catholic Archbishop of Baltimore to Mayor and City Council of Baltimore by deed dated December 14, 1931 and recorded among the Land Records of Baltimore County in Liber L.McL.M. No. 889, Folio 462 and running thence binding on the second line of said deed, as now surveyed, North 84°-40'-50" West 150.00 feet; thence binding on part of the third line of said deed, as now surveyed, North 05°-19'-10" East 45.71 feet to the beginning of the parcel of land conveyed by Mayor and City Council of Baltimore to Most Reverend Francis P. Keough,

D.D., Roman Catholic Archbishop of Baltimore by deed dated June 25, 1952 and recorded among said Land Records in Liber G.L.B. No. 2139, Folio 290; thence binding reversely on the last line of last said deed, as now surveyed, North 21°-48'-00" East 87.06 feet to intersect the last line of the parcel of land described in the deed mentioned firstly herein; thence binding on part of the last line of the parcel of land described in the deed mentioned firstly herein, to the end thereof, as now surveyed, South 82°-55'-13" East 102.55 feet and thence binding on the first line of the parcel of land described in the deed mentioned firstly herein, as now surveyed, South 04°-56'09" East 128.09 feet to the place of beginning.

Containing 16,677.51 square feet or 0.3829 acre of land, more or less.

Subject to an Easement for Municipal Utilities and Services as shown on a plat dated November 14, 1989 as revised June 10, 1992 and numbered 106-B-3A, filed in the office of the Public Services Division of the Department of Public Works of Baltimore City and described as follows:

Beginning for the same at a point on the northeast side of Ware Avenue, 50 feet wide, distant 322 feet, more or less, northwesterly measured along the northeast side of said Ware Avenue from the northwest side of Washington Avenue, said point of beginning being the beginning of the third parcel of land conveyed by Reverend Michael Joseph Curley Roman Catholic Archbishop of Baltimore to Mayor and City Council of Baltimore by deed dated December 14, 1931 and recorded among the Land Records of Baltimore County in Liber L.McL.M. No. 889, Folio 462 and running thence binding on the northeast side of said Ware Avenue and on the first line of said deed, as now surveyed, North 68°-15'-47" West 12.00 feet; thence binding on the second line of the third parcel of land described in said deed, as now surveyed, North 21°-44'-13" East 141.48 feet to intersect the second line of the first parcel of land described in said deed; thence binding on part of the second line of the first parcel of land described in said deed, as now surveyed, North 84°-40'-50" West 31.72 feet; thence binding on part of the third line of said deed, as now surveyed, North 05°-19'-10" East 45.71 feet to the beginning of the parcel of land conveyed by Mayor and City Council of Baltimore to Most Reverend Francis P. Keough, D.D, Roman Catholic Archbishop of Baltimore by deed dated June 25, 1952 and recorded among said Land Records in Liber G.L.B.

No. 2139, Folio 290; thence binding reversely on the last line of last said deed, as now surveyed, North 21°-48'-00" East 87.06 feet to intersect the last line of the first parcel of land described in the deed mentioned firstly herein; thence binding on part of the last line of the first parcel of land described in the deed mentioned firstly herein, to the end thereof, as now surveyed, South 82°-55'-13" East 102.55 feet; thence binding on part of the first line of the first parcel of land described in the deed mentioned firstly herein, as now surveyed, South 04°-56'-09" East 18.46 feet; thence through the property now or formerly owned by the Mayor and City Council of Baltimore the six following courses and distances; namely, South 58°-24'-00" West 37.30 feet, South 85°-20'-40" West 25.89 feet, by a line curving to the left with a radius of 28.41 feet the distance of 54.29 feet which arc is subtended by a chord bearing South 81°-59'-01" West 46.40 feet, South 22°-04'-15" West 26.95 feet, South 23°-11'-35" East 35.35 feet, and South 68°-32'-30" East 8.69 feet to intersect the line of the last line of the third parcel of land described in the deed mentioned firstly herein, if projected northeasterly and thence binding in part reversely on said line so projected, in part on the last line of the third parcel of land described in the deed mentioned firstly herein, and in all, as now surveyed, South 21°-44'-13" West 156.49 feet to the place of beginning.

Containing 8,659.81 square feet or 0.1988 acre of land, more or less.

All course and distances in the above descriptions are referred to as true meridian as adopted by the Baltimore Survey Control System.

Together with two rights of way for the purpose of ingress and egress as described in a deed dated December 14, 1931 and recorded among the Land Records of Baltimore County in Liber L.McL.M. No. 889, Folio 462.

Said property being no longer needed for public use.

SEC. 2. AND BE IT FURTHER ORDAINED, That no deed or deeds shall pass in accordance herewith until the same shall have been approved by the City Solicitor.

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved March 12, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 180

(Council Bill No. 368)

AN ORDINANCE concerning

**ZONING - APPROVAL FOR CONDITIONAL USE HOUSING
FOR THE ELDERLY - 2108-2128 BOSTON STREET**

FOR the purpose of granting permission to Frank Scarfield for the establishment, maintenance and operation of housing for the elderly, with a maximum of 58 units, on the property known as 2108-2128 Boston Street, as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30 - Zoning

Sections 6.2-1d-5 and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION. 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is hereby granted to Frank Scarfield for the establishment, maintenance and operation of housing for the elderly, with a maximum of 58 units, on the property known as 2108-2128 Boston Street, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 6.2-1d-5 and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) titled "Zoning".

SEC. 2. AND BE IT FURTHER ORDAINED, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance

shall then transmit a copy of the ordinance and one of the plats to the following: The Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved March 12, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 181

(Council Bill No. 398)

AN ORDINANCE concerning

ZONING - APPROVAL FOR CONDITIONAL USE
PARKING LOT - 2927 SYLVAN AVENUE

FOR the purpose of granting permission for the establishment, maintenance and operation of an open off-street parking area on the property known as 2927 Sylvan Avenue, as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30 - Zoning

Section(s) 4.5-1d-4 and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is hereby granted for the establishment, maintenance and operation of an open off-street parking area on the property known as 2927 Sylvan Avenue, as outlined in red on the plats accompanying this ordinance, under the provisions of Section(s) 4.5-1d-4 and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended), title "Zoning".

SEC. 2. AND BE IT FURTHER ORDAINED, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved March 12, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 182

(Council Bill No. 263)

AN ORDINANCE concerning

METROPOLITAN DISTRICT EXTENSION NO. 116

FOR the purpose of consenting to and approving a Petition for the Extension of the Metropolitan District of Baltimore County to a tract of land consisting of 1.98 acres in the Second Election District of Baltimore County located in the vicinity of Owings Mills Corporate Center, District 2C3 (Hill Property) and in accordance with the provisions of Chapter 539 of the Acts of the General Assembly of Maryland of 1924, as amended by Chapter 515 of the Acts of 1955.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Petition for the extension of the Metropolitan District of Baltimore County to a tract of land in the Second Election District of Baltimore County located in the vicinity of

Owings Mills Corporate Center, District 2C3 (Hill Property), more particularly shown on a plat filed in the Department of Public Works of Baltimore County numbered Extension 116, is in accordance with the authority granted by Chapter 539 of the Acts of the General Assembly of Maryland of 1924, and amended by Chapter 515 of the Acts of 1955 hereby consented to and approved.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance shall take effect on the date of its enactment.

Approved March 26, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 183

(Council Bill No. 357)

AN ORDINANCE concerning

FIRE PREVENTION CODE

FOR the purpose of requiring hazard identification placards on certain storage tanks containing flammable or combustible liquids.

BY adding

Article 9 - Fire Department and Fire Code

Subtitle - Fire Prevention Code

Section F-2801.2.2

Fire Prevention Code of Baltimore City (1990 Edition, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That section(s) of the Fire Prevention Code of Baltimore City (1990 Edition, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 9 - FIRE DEPARTMENT AND FIRE CODE

Fire Prevention Code

Article 28 - Flammable and Combustible Liquids

Section F-2801.0 Fire Safety Requirements

F-2801.2.2 SIGNS FOR BULK STORAGE TANKS: ANY STORAGE TANK CONTAINING A FLAMMABLE OR COMBUSTIBLE LIQUID AND HAVING A DIAMETER GREATER THAN 55 FEET SHALL BE POSTED WITH A PLACARD THAT CONFORMS WITH THE REQUIREMENTS OF THE NFIPA 704 HAZARD IDENTIFICATION SYSTEM. THE SIZE OF THE PLACARD SHALL BE IN CONFORMANCE WITH THE DIMENSIONS REQUIRED IN NFIPA 704 FOR LEGIBILITY AT 300 FEET. THE TANK DIAMETER IN FEET SHALL BE POSTED DIRECTLY BELOW THE PLACARD IN NUMERALS AT LEAST 6 INCHES IN HEIGHT AND IN CONFORMANCE WITH THE DIMENSIONS REQUIRED FOR NUMERALS IN NFIPA 704. THE PLACARD AND NUMERALS SHALL BE PLACED ON THE TANK IN A LOCATION THAT WILL BE READILY VISIBLE TO EMERGENCY UNITS UPON THEIR APPROACH TO THE TANK FOR EMERGENCY OPERATIONS.

SEC. 2. AND BE IT FURTHER ORDAINED, That this Ordinance shall take effect on the 30th day after the date of its enactment.

Approved March 26, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 184

(Council Bill No. 283)

AN ORDINANCE concerning

CITY STREET - OPENING AN ALLEY, 12 FEET WIDE

FOR the purpose of condemning and opening an alley, 12 feet wide, located 100 feet south of Lombard Street and extending from Penn Street, Westerly to the end thereof in accordance with a plat thereof numbered 184-A-13EE prepared by the Survey Control Section and filed in the Office of the Department of Public Works, on the Fourth (4th) day of June, 1992.

BY authority of

Article I - General Provisions

Section 4

Article II - General Powers

Sections 2, 34, 35

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works be, and is hereby authorized and directed to condemn and open an alley, 12 feet wide, located 100 feet south of Lombard Street and extending from Penn Street, Westerly to the end thereof; the alley hereby directed to be condemned for said opening being described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the west side of Penn Street, 55 feet wide, and the north side of an alley, 12 feet wide, laid out 100 feet south of Lombard Street, 66 feet wide, and running thence binding on the west side of said Penn Street, Southerly 12 feet, to intersect the south side of said 12 foot alley; thence binding on the south side of said 12 foot alley, Westerly 67.5 feet to the westernmost extremity of said 12 foot alley; thence binding on the westernmost extremity of said 12 foot alley, Northerly 12 feet to intersect the north side of said 12 foot alley and thence binding on the north side of said 12 foot alley, Easterly 67.5 feet to the place of beginning.

The said 12 foot alley as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 184-A-13EE which was filed in the Office of the Department of Public Works on the Fourth (4th) day of June in the year 1992 and is now on file in said office.

SEC. 2. AND BE IT FURTHER ORDAINED, That the proceedings of said Department of Public Works, with reference to the condemnation and opening of said 12 foot alley and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision, as amended) and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by

the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 3. AND BE IT FURTHER ORDAINED, That this Ordinance shall take effect on the date of its enactment.

Approved March 31, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 185

(Council Bill No. 284)

AN ORDINANCE concerning

CITY STREET - CLOSING AN ALLEY, 12 FEET WIDE

FOR the purpose of condemning and closing an alley, 12 feet wide, located 100 feet south of Lombard Street and extending from Penn Street, Westerly to the end thereof in accordance with a plat thereof numbered 184-A-13FF prepared by the Survey Control Section and filed in the Office of the Department of Public Works, on the Fourth (4th) day of June, 1992.

BY authority of

Article I - General Provisions

Section 4

Article II - General Powers

Sections 2, 34, 35

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works be, and it is hereby authorized and directed to condemn and close an alley, 12 feet wide, located 100 feet south of Lombard Street and extending from Penn Street, Westerly to the end thereof; the alley hereby directed to be condemned for said closing being described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the west side of Penn Street, 55 feet wide, and the north side of an alley, 12 feet wide, laid out 100 feet south of Lombard Street, 66 feet wide, and running thence binding on the west side of said Penn Street, Southerly 12 feet, to intersect the south side of said 12 foot alley; thence binding on the south side of said 12 foot alley, Westerly 67.5 feet to the westernmost extremity of said 12 foot alley; thence binding on the westernmost extremity of said 12 foot alley, Northerly 12 feet to intersect the north side of said 12 foot alley and thence binding on the north side of 12 foot alley, Easterly 67.5 feet to the place of beginning.

The said 12 foot alley as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 184-A-13FF which was filed in the Office of the Department of Public Works on the Fourth (4th) day of June in the year 1992 and is now on file in said Office.

SEC. 2. AND BE IT FURTHER ORDAINED, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm or corporation shall desire to remove, alter or interfere therewith, such person, firm or corporation shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration or interference.

SEC. 3. AND BE IT FURTHER ORDAINED, That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under the provisions of this Ordinance until the subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, over which said buildings or structures are proposed to be constructed or erected shall have been abandoned or shall have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings

or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. AND BE IT FURTHER ORDAINED, That after said highway or highways shall have been closed under the provisions of this ordinance, all subsurface structures and appurtenances owned by any person, firm or corporation, other than the Mayor and City Council of Baltimore, shall upon notice from the Director of Public Works of Baltimore City, be promptly removed by and at the expense of the said owners.

SEC. 5. AND BE IT FURTHER ORDAINED, That on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting through its duly authorized representatives, shall, at all times, have access to said property and to all subsurface structures and appurtenances used by it therein, for the purposes of inspection, maintenance, repair, alteration, relocation and/or replacement, of any or all of said structures and appurtenances, and this without permission from or compensation to the owner or owners of said land.

SEC. 6. AND BE IT FURTHER ORDAINED, That the proceedings of said Department of Public Works with reference to the condemnation and closing of said 12 foot alley and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision, as amended) and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 7. AND BE IT FURTHER ORDAINED, That this Ordinance shall take effect on the date of its enactment.

Approved March 31, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 186

(Council Bill No. 330)

AN ORDINANCE concerning

REPEAL OF RESERVED PARKING - BYRD STREET

FOR the purpose of repealing Ordinance No. 110, approved June 20, 1984, which provided for reserved handicapped parking on the west side of Byrd Street, south of Heath Street for Virginia Murphy.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Ordinance No. 110, approved June 20, 1984, is hereby repealed and the authorization for reserved handicapped parking on the west side of Byrd Street, south of Heath Street for Virginia Murphy therein provided, is hereby rescinded.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved March 31, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 187

(Council Bill No. 331)

AN ORDINANCE concerning

REPEAL OF RESERVED PARKING - 27TH STREET

FOR the purpose of repealing Ordinance No. 38, approved March 30, 1988, which provided for reserved handicapped parking on the north side of 27th Street between Guilford Avenue and Barclay Street for William Sturgis.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Ordinance No. 38, approved March 30, 1988, is hereby repealed and the authorization for reserved handicapped parking on the north side of 27th Street between Guilford Avenue and Barclay Street for William Sturgis therein provided, is hereby rescinded.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved March 31, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 188

(Council Bill No. 332)

AN ORDINANCE concerning

REPEAL OF RESERVED PARKING - CHESTERFIELD AVENUE

FOR the purpose of repealing Ordinance No. 29, approved March 17, 1988, which provided for reserved handicapped parking on the east side of Chesterfield Avenue south of Juneway for Angelo Marino.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Ordinance No. 29, approved March 17, 1988, is hereby repealed and the authorization for reserved handicapped parking on the east side of Chesterfield Avenue south of Juneway for Angelo Marino therein provided, is hereby rescinded.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved March 31, 1993

KURT L. SCHMOKE, Mayor

Ord. No. 189

CITY OF BALTIMORE

ORDINANCE NO. 189

(Council Bill No. 333)

AN ORDINANCE concerning

REPEAL OF RESERVED PARKING - EASTERN AVENUE

FOR the purpose of repealing Ordinance No. 220, approved November 23, 1984, which provided for reserved handicapped parking on the south side of Eastern Avenue west of Albemarle Street for Albert A. DeFelice.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Ordinance No. 220, approved November 23, 1984, is hereby repealed and the authorization for reserved handicapped parking on the south side of Eastern Avenue west of Albemarle Street for Albert A. DeFelice therein provided, is hereby rescinded.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved March 31, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 190

(Council Bill No. 334)

AN ORDINANCE concerning

IMPOUNDING AREAS - BAYARD STREET

FOR the purpose of adding the north side of Bayard Street between Warner and Russell Streets to the list of impounding areas.

BY adding

Article 31 - Transit and Traffic

Subtitle - Impounding Areas

Section 102(2a)

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 31 - TRANSIT AND TRAFFIC

Impounding Areas

102. B Streets.

(2A) BAYARD STREET, NORTH SIDE, FROM WARNER STREET TO RUSSELL STREET.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved March 31, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 191

(Council Bill No. 335)

AN ORDINANCE concerning

PARKING CONTINUOUSLY

FOR the purpose of increasing the time during which a vehicle may be parked continuously in the same location.

BY repealing and reordaining with amendments

Article 31 - Transit and Traffic

Subtitle - Parking Continuously

Section 60

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 31 - TRANSIT AND TRAFFIC

Parking Continuously

60. Restrictions.

No vehicle shall be permitted to stand more than [18] ~~72~~²⁴ hours continuously in the same location. Provided, however, that nothing herein contained shall be applicable to vehicles of the Police Department or the Fire Department, or to any emergency vehicle belonging to the City or to any public utility, or to vehicles belonging to physicians or undertakers, or to vehicles with disabled person registration plates, and provided further, that nothing herein contained shall be construed to modify in any way the restrictions or provisions of any ordinance or regulation as to parking of vehicles on any boulevard or through street, but such restrictions and provisions shall continue in effect as if this section had not been passed.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved March 31, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 192

(Council Bill No. 380)

AN ORDINANCE concerning

IMPOUNDING AREAS - CAMDEN STREET AND EUTAW STREET

FOR the purpose of adding both sides of Camden Street between Sharp and Paca Streets and both sides of Eutaw Street between Camden and Baltimore Streets to the list of impounding areas.

BY adding

Article 31 - Transit and Traffic

Subtitle - Impounding Areas

Sections 103(1a), 105(3)

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 31 - TRANSIT AND TRAFFIC

Impounding Areas

103. C Streets.

(1A). CAMDEN STREET, BOTH SIDES, FROM SHARP STREET TO PACA STREET.

105. E Streets.

(3) EUTAW STREET, BOTH SIDES, FROM CAMDEN STREET TO BALTIMORE STREET.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved March 31, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 193

(Council Bill No. 383)

AN ORDINANCE concerning

RESIDENTIAL PERMIT PARKING PROGRAM -
BUSINESSES IN STADIUM AREA

FOR the purpose of requiring permits be provided to the businesses in Stadium Event Restricted Parking Program Areas A, B, and 5 to the same extent they are provided to the residents.

BY repealing and reordaining with amendments

Article 31 - Transit and Traffic

Subtitle - Residential Permit Parking Program

Section 156(l)

Baltimore City Code (1983 Replacement Volume, as amended)

Whereas, The Residential Permit Parking Program was created to aid City residents in areas near a large public or private facility where automobiles connected with the facility monopolized on-street parking within a large area surrounding it; and

Whereas, At this time the Camden Yards area was a commercial and manufacturing area which had no parking problems and into which residents had come at the urging of the City to rehabilitate and develop housing; and

Whereas, Shortly after the new homeowners had settled into the area, a new large baseball stadium was thrust into the area and parking within a reasonable distance from a resident's dwelling became impossible when the stadium was in use; and

Whereas, The City Council feels that the Camden Yards area, Areas A, B, and 5 are different from the other Residential Permit Parking areas in the City in that, in the case of the stadium, the nuisance or source of the congestion came to the area after the residents and was not in existence when the residents moved in, and therefore these particular residents should not be charged a fee to support the program; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 31 - TRANSIT AND TRAFFIC

Residential Permit Parking Program

156.

(1) Camden Yards Stadium Complex area. The Camden Yards Stadium Complex area is that area within the outer limits of North Avenue, the western bank of the Jones' Falls, the outer limits of Lawrence Street, Interstate I-95, and Monroe Street [and which includes properties zoned residential, or in which entire block faces are residential in use].

(1) Except for permit holders parking duration shall be restricted in whole or in part.

(2) Camden Yards Stadium Complex area not subject to Section 156(c) 1 and 2 and Section 156(d).

(3) A petition from each block face to be considered must be submitted that contains the signature of an adult member of at least 60% of the households in the affected block.

(4) Any designated residential permit parking area which falls, in whole or in part, within the Camden Yards Stadium Complex area shall be subject to all the provisions of this Section 156(1).

(5) There shall be established a Camden Yards Stadium Complex Area Committee. The Committee shall be comprised of duly appointed representatives of existing residential permit parking areas, community associations, business associations, religious, educational and non-profit institutions in the Camden Yards Stadium Complex area, the Commissioners of Police and Transportation, and the Director of the Stadium Authority. The Committee shall consider and make recommendations concerning any changes to the Camden Yards Stadium Complex area residential permit parking program under consideration by the Department of Transportation.

(6) The Residential Permit Parking Program for Stadium Event Restrict Parking Program - Area A (South Baltimore), Area B (Washington Village), and Area 5 (Ridgely's Delight) shall provide

permits for the businesses located within Area A, Area B, and Area 5 to the same extent they are provided to the residents.

(7) IN THE CAMDEN YARDS STADIUM COMPLEX AREA, BLOCK FACES WHICH ARE RESIDENTIAL IN USE SHALL BE ELIGIBLE FOR RESIDENTIAL PERMIT PARKING PRIVILEGES.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved March 31, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 194

(Council Bill No. 430)

AN ORDINANCE concerning

CITY STREET - CHANGE OF NAME

FOR the purpose of changing the name of Jorgensen Road between Cherry Hill Road and Erick Street to Metal Lane.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the name of Jorgensen Road between Cherry Hill Road and Erick Street be and it is hereby changed, and it shall hereafter be known as Metal Lane.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved March 31, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 195

(Council Bill No. 488)

AN ORDINANCE concerning

URBAN RENEWAL - CHARLES/NORTH REVITALIZATION AREA -
AMENDMENT NO. 4

FOR the purpose of amending the Urban Renewal Plan for the Charles/North Revitalization Area to (1) deleting the goal of promoting entertainment business activity in the area; (4) (2) add restaurants and banquet halls with entertainment or dancing to the list of uses requiring authorization by the Board of Municipal and Zoning Appeals in the Community Commercial and the Central Commercial Districts; (2) (3) waive such requirements, if any, as to content or procedure for the preparation, adoption, and approval of renewal plans as set forth in Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended) which the Renewal Plan for Charles/North Revitalization Area may not meet; (3) (4) provide for the severability of the various parts and applications of this ordinance; (4) (5) provide that where the provisions of this ordinance shall conflict with any other ordinance, code, or regulation in force in the City of Baltimore, the provision which establishes the higher standard shall prevail; and (5) (6) provide for an effective date thereof.

WHEREAS, An Urban Renewal Plan for the Charles/North Revitalization Area was first approved by the Mayor and City Council of Baltimore by Ordinance No. 799, dated October 25, 1982 and last amended by the Mayor and City Council by Ordinance No. 546, dated June 20, 1990; and

WHEREAS, Pursuant to Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended), no substantial change or changes shall be made in any renewal plan, after approval by ordinance, without such change or changes first being adopted and approved in the same manner as set forth in said Article 13 for the approval and adoption of a renewal plan by an ordinance of the Mayor and City

Council of Baltimore after a public hearing in relation thereto, all in the manner set forth in said Article 13; and

WHEREAS, In accordance with the provisions of Section 25(h) of said Article 13, when a Council Member initiates an amendment to an existing renewal plan, such bill shall be sent to the Department of Housing and Community Development and to the Planning Commission for recommendation and report; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following amendments and changes to the Renewal Plan for the Charles/North Revitalization Area, having been duly reviewed and considered, are hereby approved and the Clerk of the City Council is hereby directed to file a copy of said amended Renewal Plan, revised to include Amendment No. 4, dated December 1, 1992, with the Department of Legislative Reference as a permanent public record and to make the same available for public inspection and information:

On page 2, Section A.2, Plan Objectives, amend subsection d. as follows:

d. promoting new retail [and entertainment]
business activity in the area;

On page 3, Section B.2.a., Permitted Uses, amend subsections (3) and (4) as follows:

(3) Community Commercial

In the area designated as Community Commercial on the Land Use Plan Map, uses shall be limited to those permitted under the B-3 category of the Zoning Ordinance of Baltimore City, except for amusement establishments including archery ranges; shooting galleries; kiddie parks; golf driving ranges; pitch and putt; miniature golf courses and other similar facilities; amusement parks and permanent carnivals; community correction centers; drug abuse rehabilitation and treatment centers; palmists; pawn shops; peep show establishments; pool halls and billiard parlors; fraternity and sorority houses; homes for the rehabilitation of non-bedridden alcoholic persons and for the care and custody

of homeless persons; hiring halls and work distribution centers; stables for horses; private clubs and after-hours establishments. RESTAURANTS AND BANQUET HALLS WITH LIVE ENTERTAINMENT AND/OR DANCING TO LIVE OR RECORDED MUSIC MUST RECEIVE CONDITIONAL USE AUTHORIZATION FROM THE BOARD OF MUNICIPAL AND ZONING APPEALS. THIS PROVISION SHALL BE ADMINISTERED AS A CONDITIONAL USE AS OUTLINED IN THE PROVISIONS OF SECTIONS 11.0-2B AND 11.0-5A OF THE ZONING CODE.

(4) Central Commercial

In the area designated as Central Commercial on the Land Use Plan Map, uses shall be limited to those permitted under the B-5 category of the Zoning Ordinance of Baltimore City, except for amusement establishments including archery ranges; shooting galleries; kiddie parks; golf driving ranges; pitch and putt; miniature golf courses and other similar facilities; amusement parks and permanent carnivals; community correction centers; drug abuse rehabilitation and treatment centers; novelty shops; palmists; pawn shops; peep show establishments; pool halls and billiard parlors; fraternity and sorority houses; rescue missions; homes for the rehabilitation of non-bedridden alcoholic persons and for the care and custody of homeless persons; private clubs and after-hours establishments. RESTAURANTS AND BANQUET HALLS WITH LIVE ENTERTAINMENT AND/OR DANCING TO LIVE OR RECORDED MUSIC MUST RECEIVE CONDITIONAL USE AUTHORIZATION FROM THE BOARD OF MUNICIPAL AND ZONING APPEALS. THIS PROVISION SHALL BE ADMINISTERED AS A CONDITIONAL USE AS OUTLINED IN THE PROVISIONS OF SECTIONS 11.0-2B AND 11.0-5A OF THE ZONING CODE.

SEC. 2. AND BE IT FURTHER ORDAINED, That in whatever respect, if any, the amended Renewal Plan approved hereby for the Charles/North Revitalization Area may not meet the requirements as to

the content of a renewal plan or the procedures for the preparation, adoption, and approval of renewal plans, as provided in Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended), the said requirements are hereby waived and the amended Renewal Plan approved hereby is exempted therefrom.

SEC. 3. AND BE IT FURTHER ORDAINED, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this ordinance, or the application thereof to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this ordinance without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof so held invalid.

SEC. 4. AND BE IT FURTHER ORDAINED, That in any case where a provision of this ordinance concerns the same subject matter as an existing provision of any zoning, building, electrical, plumbing, health, fire or safety ordinance or code or regulation, the applicable provisions concerned shall be construed so as to give effect to each; provided, however, that if such provisions are found to be in irreconcilable conflict, the provision which establishes the higher standard for the promotion of the public health and safety shall prevail. In any case where a provision of this ordinance is found to be in conflict with an existing provision of any other ordinance or code or regulation in force in the City of Baltimore which establishes a lower standard for the promotion and protection of the public health and safety, the provision of this ordinance shall prevail, and the other existing provision of such other ordinance or code or regulation is hereby repealed to the extent that it may be found in conflict with this ordinance.

SEC. 5. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved April 1, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 196

(Council Bill No. 184)

AN ORDINANCE concerning

REZONING - 122, 124 AND 126 S. STOCKTON STREET

FOR the purpose of changing the zoning for the properties known as 122, 124 and 126 S. Stockton Street from the R-8 Zoning District to the B-3-2 Zoning District.

BY amending Zoning District Maps

Sheet No. 54

Article 30 - Zoning

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet No. 54 of the Zoning District Maps of Article 30-Zoning of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning" be and it is hereby amended by changing from the R-8 Zoning District to the B-3-2 Zoning District the properties known as 122, 124 and 126 S. Stockton Street, as outlined in red on the plat accompanying this ordinance.

SEC. 2. AND BE IT FURTHER ORDAINED, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Ord. No. 197

Approved April 20, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 197

(Council Bill No. 318)

AN ORDINANCE concerning

ZONING - SPECIAL EXCEPTION EXTENSIONS

FOR the purpose of extending the time limit for special exceptions which may be granted by the Board of Municipal and Zoning Appeals.

BY repealing and reordaining with amendments

Article 30 - Zoning

Section 11.0-3i

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 30 - ZONING

Chapter 11 - Administration and Enforcement

11.0-3 The Board of Municipal and Zoning Appeals.

i. Lapse of Permit. Whenever an application for a permit is approved under the provisions of this ordinance, either by the Zoning Administrator, by the Board, by any court of competent jurisdiction, or by any municipal agency, the permit shall be obtained and the privilege granted thereunder shall be exercised by the grantee therein named within 12 months from the date of the final action which made the permit valid, and, if not exercised within that time, shall automatically lapse and shall become null and void; and further, any permit, the application for which has been approved in pursuance of an ordinance

of the Mayor and City Council, shall be exercised within 12 months from the date of the approval of said ordinance. However, upon a showing of reasonable cause by the applicant filed in writing, the Board may authorize extension of the time limit for further periods, each of which shall not exceed 12 months without public hearing and notice. ~~THE BOARD MAY, NOTWITHSTANDING THE FOREGOING, AFTER PUBLIC NOTICE AND HEARING, GRANT AN EXTENSION TO THE TIME GRANTED IN THE ORIGINAL APPROVAL FOR SPECIAL CIRCUMSTANCES PRESENTED BY THE APPLICANT BUT IN NO CASE SHALL THIS EXTENSION EXCEED FOUR YEARS. IN THE B-4 AND B-5 DISTRICTS THE BOARD MAY, AFTER PUBLIC NOTICE AND HEARING AND FOR GOOD CAUSE SHOWN, EXTEND THE LIFE OF AN ORIGINAL PERMIT OR GRANT AN EXTENSION TO AN ORIGINAL PERMIT, FOR A PERIOD NOT TO EXCEED 48 MONTHS.~~

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved April 20, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 198

(Council Bill No. 351)

AN ORDINANCE concerning

CITY PROPERTY - RIGHT OF WAY AND TEMPORARY EASEMENT,
NEWKIRK AND PONCA STREETS

FOR the purpose of authorizing the acquisition by purchase or condemnation by the Mayor and City Council of Baltimore of the fee simple interests or such other interests as the Commissioner of Transportation may deem necessary or sufficient, in and to certain pieces or parcels of land situate in Baltimore City for Public Utility Right of Way for the Ponca Street Storm Drain Outfall and for other municipal utilities and services through a portion of the property known as Lot 10 of Ward 26, Section 2, Block 6587 and No. 1610 S. Newkirk Street for Baltimore City Contract No. 3361;

the location being shown on plats thereof numbered R.W. 20-35796 and R.W. 20-35797 prepared by the Survey Control Section and filed in the Office of the Director of the Department of Public Works on the Sixth (6th) day of May, 1992.

BY authority of

Article I - General Provisions

Section 4

Article II - General Powers

Sections 2, 32

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That it is necessary to acquire by purchase or condemnation for Public Utility Right of Way purposes, namely, for the construction and maintenance of the Ponca Street Storm Drain Outfall and/or other municipal utilities and services through a portion of the property known as Lot 10 of Ward 26, Section 2, Block 6587 and No. 1610 S. Newkirk Street for Baltimore City Contract No. 3361, the fee simple interests or such other interests as the Commissioner of Transportation may deem necessary, in and to the pieces or parcels of land, situate in Baltimore City, including the improvements thereon, bounded as follows:

Beginning for a Right of Way for municipal utilities and services at a point on the south side of Boston Street, 70 feet wide, distant 737.93 feet measured along the south side of said Boston Street from the west side of Newkirk Street, 60 feet wide, and running thence binding on the southeast and east outlines of Lot 10 of Ward 26, Section 2, Block 6587, also known as Parcel 7 of Exhibit 4 of a deed from the Canton Company of Baltimore to David H. Murdock d/b/a Murdock Investment Company, dated April 24, 1986 and recorded among the Land Records of Baltimore City in Liber S.E.B. No. 862, Folio 213, the three following courses and distances; namely South 48°02'01" West 151.73 feet, by a line curving to the left with a radius of 355.78 feet the distance of 252.97 feet which arc is subtended by a chord bearing South 16°57'54" West 247.67 feet and South 03°24'16" East 25.51 feet; thence by a straight line through the property now or formerly owned by the Murdock Investment Company, South 86°35'44" West 30.00 feet to intersect the west outline of said Lot 10, also known as Parcel 7 of Exhibit 4 of said deed; thence binding on the west and northwest outlines of said Lot 10, also known as Parcel 7 of Exhibit 4 of said deed, the three following courses and distances; namely, North 03°24'16"

West 25.51 feet, by a line curving to the right with a radius of 385.78 feet the distance of 277.17 feet which arc is subtended by a chord bearing North 17°10'40.5" East 271.24 feet and North 48°02'01" East 117.68 feet to intersect the south side of said Boston Street and thence binding on the south side of said Boston Street, North 87°13'41" East 47.48 feet to the place of beginning.

Containing 12,759.71 square feet or 0.2929 acre of land, more or less, and shown on a plat thereof numbered R.W. 20-35796.

Beginning for a Temporary Easement for Construction at a point on the south side of Boston Street, 70 feet wide, distant 737.93 feet measured along the south side of said Boston Street from the west side of Newkirk Street, 60 feet wide, and running thence binding on the south side of said Boston Street, North 87°13'41" East 23.73 feet; thence by straight lines for a temporary easement for construction through the property now or formerly owned by the Exxon Corporation the four following courses and distances; namely, South 48°02'01" West 168.69 feet, by a line curving to the left with a radius of 340.78 feet the distance of 240.91 feet which arc is subtended by a chord bearing South 16°50'53.5" West 235.93 feet, South 03°24'16" East 25.51 feet and South 86°35'44" West 15.00 feet to intersect the sixth line of the parcel of land conveyed by the Canton Company of Baltimore to the Standard Oil Company of New Jersey by deed dated October 26, 1920 and recorded among the Land Records of Baltimore City in Liber S.C.L. No. 3646, Folio 566, and thence binding on part of the sixth line of said deed, to the end thereof, and on the seventh and eighth lines of said deed, the three following courses and distances; as now surveyed, namely, North 03°24'16" West 25.51 feet, by a line curving to the right with a radius of 355.78 feet the distance of 252.97 feet which arc is subtended by a chord bearing North 16°57'54" East 247.67 feet, and North 48°02'01" East 151.73 feet to the place of beginning.

Containing 6,488.51 square feet or 0.1490 acre of land, more or less, and shown on a plat thereof numbered R.W. 20-35797.

All courses and distances in the above descriptions are referred to as true meridian as adopted by the Baltimore Survey Control System.

Including all property, rights, interests, easements and/or franchises necessary for said Public Utility Right of Way and the construction and maintenance of said Ponca Street Storm Drain Outfall

and/or other municipal utilities and services in said Public Utility Right of Way, the location and course of said Public Utility Right of Way being shown on plats thereof numbered R.W. 20-35796 and R.W. 20-35797 prepared by the Survey Control Section and filed in the office of the Director of the Department of Public Works on the Sixth (6th) day of May, 1992.

Any mention or reference to any streets, roads, avenues, highways or alleys in this Ordinance or on the plat referred to herein are for the purpose of description only and shall not be held or taken to be any evidence whatever that said streets, roads, avenues, highways, alleys or any of them, are public, dedicated or private thoroughfares.

SEC. 2. AND BE IT FURTHER ORDAINED, That the Commissioner of Transportation or the person or persons the Board of Estimates of Baltimore City may hereafter from time to time designate, is or are hereby authorized to acquire on behalf of the Mayor and City Council of Baltimore, and for the purposes described in this Ordinance, the fee simple interests or such other interests as the said Commissioner may deem necessary or sufficient, in and to said pieces or parcels of land and improvements thereupon, including all property, rights, interests, easements and/or franchises necessary for said Public Utility Right of Way and the construction and maintenance of said Ponca Street Storm Drain Outfall and/or other municipal utilities and services in said Public Utility Right of Way. If the said Commissioner of Transportation, or person or persons the Board of Estimates of Baltimore City may designate are unable to agree with the owner or owners on the purchase price of any of the said pieces or parcels of land and improvements thereupon or for any of the said properties, rights, interests, easements and/or franchises, they shall forthwith notify the City Solicitor of Baltimore City who shall thereupon institute in the name of the Mayor and City Council of Baltimore the necessary legal proceedings to acquire by condemnation the fee simple interests or such other rights, interests, easements and/or franchises as the said Commissioner may deem necessary or sufficient for the purposes of said Public Utility Right of Way.

SEC. 3. AND BE IT FURTHER ORDAINED, That the proceedings for the acquisition by condemnation of the property and rights herein described and the rights of all parties interested or affected thereby shall be regulated by and be in accordance with the provisions of The Real Property Article of the Annotated Code of Maryland (1974), Title 12; Section 101 Et. Seq. and any and all amendments thereto.

SEC. 4. AND BE IT FURTHER ORDAINED, That the said Commissioner of Transportation or person or persons the Board of Estimates of Baltimore City may designate are also hereby authorized to negotiate for and to enter into in the name of the Mayor and City Council of Baltimore, any and all necessary agreements with the Federal and State Governments, or any of their agencies, and any other persons, firms or corporations, in aid of, in furtherance of, or in connection with said Public Utility Right of Way; all such acquisitions and agreements to be subject to the approval of the Board of Estimates.

SEC. 5. AND BE IT FURTHER ORDAINED, That after the necessary agreements have been made and the necessary properties, lands, rights, easements and/or franchises have been acquired as hereinbefore provided, the Commissioner of Transportation of Baltimore City is hereby authorized and directed to construct or cause to be constructed the said Ponca Street Storm Drain Outfall and/or other municipal utilities and services in said Public Utility Right of Way, all in accordance with detailed plans hereafter to be prepared therefor and after said plans have been approved by the said Commissioner of Transportation.

SEC. 6. AND BE IT FURTHER ORDAINED, That this Ordinance shall take effect on the date of its enactment.

Approved April 20, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 199

(Council Bill No. 352)

AN ORDINANCE concerning

CITY PROPERTY - OPENING, WIDENING, GRADING,
CONSTRUCTION AND MAINTENANCE OF CENTRE STREET

FOR the purpose of authorizing the acquisition by purchase or condemnation by the Mayor and City Council of Baltimore of the fee simple interests or such other interests as the Commissioner of

the Department of Transportation may deem necessary or sufficient, in and to certain pieces or parcels of land situate in Baltimore City, for highway purposes, namely for the opening, widening, grading, construction and maintenance of Centre Street from Fallsway to Monument Street and authorizing the acquisition by purchase or condemnation of any property, rights, interests, easements and/or franchises necessary for the opening, grading, construction and maintenance of said Centre Street; and authorizing the making of all necessary agreements concerning said Centre Street; and authorizing the construction of said Centre Street; the location and course being shown on plats thereof numbered 117-A-49A Sheets 1, 2 and 3, filed in the office of the Director of the Department of Public Works on the Twenty-sixth (26th) day of February in the year of 1992, prepared by the Survey Control Section of the Department of Public Works.

BY authority of

Article I - General Provisions

Section - 4

Article II - General Powers

Section - 2, 34

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That it is necessary to acquire by purchase or condemnation for public highway purposes, namely, for the opening, widening, grading, construction and maintenance of Centre Street from Fallsway to Monument Street, the fee simple interests or such other interests as the Commissioner of the Department of Transportation may deem necessary in and to the pieces or parcels of land, situate in Baltimore City, including the improvements thereon, bounded as follows:

Beginning for the same at the point formed by the intersection of the east side of Fallsway, varying in width, and the south side of Terminal Street, 30 feet wide, and running thence binding on the south side of said Terminal Street, North 80°52'36" East 41.26 feet to intersect the southeast side of Centre Street, 44 feet wide; thence binding on the southeast side of said Centre Street, South 38°19'02" West 54.16 feet to intersect the northeast side of said Fallsway and thence binding on the northeast and east sides of said Fallsway the two following courses and distances; namely, North 24°29'00" West 4.16 feet and North 09°35'00" West 32.61 feet to the place of beginning.

Containing 773.21 square feet of land.

All as shown on the plat numbered 117-A-49A Sheet 1 of 3.

Beginning for the same at the point formed by the intersection of the east side of Buren Street, 60 feet wide, and the south side of Monument Street, 66 feet wide, and running thence binding on the south side of said Monument Street, North 87°03'00" East 102.33 feet to intersect the west side of Courtney Street, 20 feet wide; thence binding on the west side of said Courtney Street, South 04°56'10" East 15.20 feet to intersect the southeast side of Centre Street, varying in width; thence binding on the southeast side of said Centre Street, by a line curving to the left with a radius of 302.00 feet the distance of 111.96 feet which arc is subtended by a chord bearing South 54°59'23" West 111.32 feet to intersect the east side of said Buren Street and thence binding on the east side of said Buren Street, North 09°29'10" West 74.77 feet to the place of beginning.

Containing 4,147.73 square feet or 0.0952 acre of land, more or less.

All as shown on the plat numbered 117-A-49A Sheet 2 of 3.

Beginning for the same at the point formed by the intersection of the west side of Buren Street, 60 feet wide, and the north side of Terminal Street, 30 feet wide, and running thence binding on the north side of said Terminal Street, South 80°52'36" West 64.96 feet to intersect the northwest side of Centre Street, 44 feet wide; thence binding on the northwest side of said Centre Street, North 38°19'02" East 87.68 feet to intersect the west side of said Buren Street and thence binding on the west side of said Buren Street, South 09°29'10" East 59.30 feet to the place of beginning.

Containing 1,925.93 square feet of land.

All as shown on the plat numbered 117-A-49A Sheet 3 of 3.

All courses and distances in the above descriptions are referred to as true meridian as adopted by the Baltimore Survey Control System.

Including all property, rights, interests, easements and/or franchises necessary for the opening, widening, grading, construction

and maintenance of said Centre Street, the location and course of said Centre Street being shown on plats thereof numbered 117-A-49A Sheets 1, 2 and 3, filed in the office of the Director of the Department of Public Works on the Twenty-sixth (26th) day of February in the year of 1992, prepared by the Survey Control Section of the Department of Public Works.

Any mention or reference to any streets, roads, avenues, highways or alleys in this Ordinance or on the plats referred to herein are for the purpose of description only, and shall not be held or taken to be any evidence whatever that said streets, roads, avenues, highways, alleys or any of them, are public, dedicated or private thoroughfares.

SEC. 2. AND BE IT FURTHER ORDAINED, That the Commissioner of the Department of Transportation or the person or persons the Board of Estimates of Baltimore City may hereafter from time to time designate, is or are hereby authorized to acquire on behalf of the Mayor and City Council of Baltimore, and for the purposes described in this Ordinance, the fee simple interests or such other interests as the said Commissioner may deem necessary or sufficient, in and to said pieces or parcels of land and improvements thereupon, including all property, rights, interests, easements and/or franchises necessary for the opening, widening, grading, construction and maintenance of said Centre Street. If the said Commissioner of the Department of Transportation, or person or persons the Board of Estimates of Baltimore City may designate are unable to agree with the owner or owners on the purchase price of any of the said pieces or parcels of land and improvements thereupon or for any of the said properties, rights, interests, easements and/or franchises, they shall forthwith notify the City Solicitor of Baltimore City who shall thereupon institute in the name of the Mayor and City Council of Baltimore the necessary legal proceedings to acquire by condemnation the fee simple interests or such other rights, interests, easements and/or franchises as the said Commissioner may deem necessary or sufficient for the purposes of said Centre Street.

SEC. 3. AND BE IT FURTHER ORDAINED, That the proceedings for the acquisition by condemnation of the property and rights herein described and the rights of all parties interested or affected thereby shall be regulated by and be in accordance with the provisions of the Real Property Article of the Annotated Code of Maryland (1974), Title 12, Section 101 Et Seq. and any and all amendments thereto.

SEC. 4. AND BE IT FURTHER ORDAINED, That the said Commissioner of the Department of Transportation or person or persons the Board of Estimates of Baltimore City may designate are also hereby authorized to negotiate for and to enter into the name of the Mayor and City Council of Baltimore, any and all necessary agreements with the Federal and State Governments, or any of their agencies, and any other persons, firms or corporations, in aid of, in furtherance of, or in connection with said Centre Street; all such acquisitions and agreements to be subject to the approval of the Board of Estimates.

SEC. 5. AND BE IT FURTHER ORDAINED, That after the necessary agreements have been made and the necessary properties, lands, rights, easements and/or franchises have been acquired as hereinbefore provided, the Commissioner of the Department of Transportation of Baltimore City is hereby authorized and directed to construct or cause to be constructed the said Centre Street, all in accordance with detailed plans hereafter to be prepared therefor and after said plans have been approved by said Commissioner of the Department of Transportation.

SEC. 6. AND BE IT FURTHER ORDAINED, That this Ordinance shall take effect on the date of its enactment.

Approved April 20, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 200

(Council Bill No. 397)

AN ORDINANCE concerning

CITY PROPERTY SALE - 2311 N. HOWARD STREET

FOR the purpose of authorizing the Mayor and City Council of of Baltimore to sell at either public or private sale all of the interest of the Mayor and City Council of Baltimore in and to a certain parcel of land situated at 2311 N. Howard Street, said parcel of land and improvements being no longer needed for public use.

BY authority of

Article V - Comptroller

Section 5(b)

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Comptroller of Baltimore City be and she is hereby authorized to sell, at either public or private sale in accordance with Article V, Section 5(b) of the City Charter (1964 Revision, as amended), all of the interest of the Mayor and City Council of Baltimore in and to a certain parcel of land situated 2311 N. Howard Street and described as follows:

2311 N. Howard Street (Ward 12, Section 6, Block 3622, Lot 2) a 2,925 + square foot parcel of land improved with a two story former church.

Said property being no longer needed for public use.

All courses and distances in the above description are referred to as true meridian as adopted by the Baltimore Survey Control System.

SEC. 2. AND BE IT FURTHER ORDAINED, That no deed or deeds shall pass in accordance herewith until the same shall have been approved by the City Solicitor.

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved April 20, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 201

(Council Bill No. 449)

AN ORDINANCE concerning

REPEAL OF RESERVED PARKING - LYNDAL AVENUE

FOR the purpose of repealing Ordinance No. 1173, approved December 7, 1987, which provided for reserved handicapped parking on the north side of Lyndale Avenue west of Chesterfield Avenue for Edgar Taylor.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Ordinance No. 1173, approved December 7, 1987 is hereby repealed and the authorization for reserved handicapped parking on the north side of Lyndale Avenue west of Chesterfield Avenue for Edgar Tayor therein provided, is hereby rescinded.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved April 20, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 202

(Council Bill No. 450)

AN ORDINANCE concerning

REPEAL OF RESERVED PARKING - PAYSON STREET

FOR the purpose of repealing Ordinance No. 948, approved May 24, 1983, which provided for reserved handicapped parking on the east side of Payson Street south of Eagle Street for Milton J. Riehl.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Ordinance No. 948, approved May 24, 1983, is hereby repealed and the authorization for reserved handicapped parking on the east side of Payson Street south of Eagle Street for Milton J. Riehl therein provided, is hereby rescinded.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Ord. No. 203

Approved April 20, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 203

(Council Bill No. 451)

AN ORDINANCE concerning

REPEAL OF RESERVED PARKING - WHISTLER AVENUE

FOR the purpose of repealing Ordinance No. 799, approved October 22, 1986, which provided for reserved handicapped parking on the south side of Whistler Avenue east of Carroll Street for George L. Foreman.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Ordinance No. 799, approved October 22, 1986, is hereby repealed and the authorization for reserved handicapped parking on the south side of Whistler Avenue east of Carroll Street for George L. Foreman therein provided, is hereby rescinded.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved April 20, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 204

(Council Bill No. 456)

AN ORDINANCE concerning

REPEAL OF CITY PROPERTY SALE ORDINANCE

FOR the purpose of repealing Ordinance No. 91, approved July 1, 1992, which provided for the sale of the land and improvements located at 1426 E. Fort Avenue.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Ordinance No. 91, approved July 1, 1992, is hereby repealed and the authorization for the sale of the land and improvements located at 1426 E. Fort Avenue is hereby rescinded.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved April 20, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 205

(Council Bill No. 441)

AN ORDINANCE concerning

ZONING - APPROVAL FOR CONDITIONAL USE
NURSING HOME (DOMICILIARY CARE) -
108 S. ATHOL ~~STREET~~ AVENUE

FOR the purpose of granting permission for the establishment, maintenance and operation of a nursing home (domiciliary care) for no more than 16 occupants on the property known as 108 S. Athol ~~Street~~ Avenue, as outlined in red on the plats accompanying this ordinance, subject to final licensure by the State Department of Health and Mental Hygiene.

BY authority of

Article 30 - Zoning

Sections ~~4.7-1d-1~~ 4.5-1d-1 and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)
and

Article 12 - Hospitals

Section 1

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION. 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is hereby granted for the establishment, maintenance and operation of a nursing home (domiciliary care) for no more than 16 occupants on the property known as 108 S. Athol ~~Street~~ Avenue, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections ~~4.7-1d-1~~ 4.5-1d-1 and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning", and Section 1 of Article 12, title "Hospitals" of the Baltimore City Code (1983 Replacement Volume, as amended), subject to final licensure by the State Department of Health and Mental Hygiene.

SEC. 2. AND BE IT FURTHER ORDAINED, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: The Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved April 21, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 206

(Council Bill No. 455)

AN ORDINANCE concerning

CITY PROPERTY SALE

FOR the purpose of authorizing the Mayor and City Council of of Baltimore to sell at either public or private sale all of the interest of the Mayor and City Council of Baltimore in and to a certain parcel of land situated on Owings Mills Boulevard in Baltimore County.

BY authority of
Article V - Comptroller
Section 5(b)
Baltimore City Charter (1964 Revision, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Comptroller of Baltimore City be and she is hereby authorized to sell, at either public or private sale in accordance with Article V, Section 5(b) of the City Charter (1964 Revision, as amended), all of the interest of the Mayor and City Council of Baltimore in and to a certain ~~parcel of~~ land situated on Owings Mills Boulevard owned by the Mayor and City Council of Baltimore and ~~recorded in a deed~~ shown as lots Nos. 1 and 3 on the final subdivision of the former Colt Complex filed among the Land Records of Baltimore County on December 22, 1992 in Liber SM65, Folio 24, containing 56.1437 acres more or less.

Said property being no longer needed for public use.

SEC. 2. AND BE IT FURTHER ORDAINED, That no deed or deeds shall pass in accordance herewith until the same shall have been approved by the City Solicitor.

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved April 21, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 207

(Council Bill No. 481)

AN ORDINANCE concerning

AMENDMENT TO ORDINANCE 793 (1975)

FOR the purpose of amending Ordinance No. 793, approved February 10, 1975, in order to remove a parcel from the property authorized to be acquired for highway purposes.

BY authority of

Article 2 - General Powers

Section (2)

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Ordinance No. 793, approved February 10, 1975, entitled

"An Ordinance authorizing the acquisition by purchase or condemnation by the Mayor and City Council of Baltimore of the fee simple interests or such other interests as the Director of the Department of Public Works may deem necessary or sufficient, in and to certain pieces or parcels of land situate in Baltimore City, for public highway purposes, namely for the opening, widening, grading, construction and maintenance of those portions of Interstate Route No. 95 Through (Limited Access) Highway (1) extending from the west side of the Middle Branch Patapsco River, Easterly and Northeasterly to O'Donnell Street, (2) a portion of Mt. Carmel Cemetery and (3) a proposed access road extending from Key Highway at Key Highway East, Easterly, Northerly, and Easterly to the westernmost extremity of Nicholson Street and authorizing the acquisition by purchase or condemnation of any property, rights, interests, easements and/or franchises necessary in the opening, widening, grading, construction and maintenance of said through (limited access) highway; and authorizing the making of all necessary agreements concerning said through (limited access) highway; and authorizing the construction of said through (limited access) highway; the location and course of said

through (limited access) highway being shown on a plat thereof numbered 217-A-36, prepared by the Surveys and Records Division and filed in the office of the Director of the Department of Public Works on the Eighteenth (18th) day of November, 1974."

be and it is hereby amended by deleting the pieces or parcels of land bounded as follows:

BEGINNING for the same on the north side of Key Highway East, 66 feet wide, at the southwesternmost corner of Lot 1 as laid out and shown on a plat entitled "Subdivision Plat, Property of CSX Transportation, Inc." dated August 20, 1992 and recorded among the Land Records of Baltimore City, Maryland in Plat Pocket Folder S.E.B. 3426, said corner also being at the beginning of the twelfth or Northwesterly 160 feet line of Parcel No. 7 described in Ordinance No. 793, approved February 10, 1975, thence running and binding on the north side of Key Highway East and also binding on said twelfth line, with all courses of this description referred to the meridian adopted in the Baltimore City Survey Control System,

(1) North $65^{\circ} 44' 39''$ West 160.00 feet, thence leaving the north side of Key Highway East and running and binding on the thirteenth line of said Parcel No. 7,

(2) North $69^{\circ} 15' 21''$ East 226.27 feet to intersect the westernmost line of Lot 1 aforesaid at a point distant 160.00 feet from Key Highway East, thence running and continuing to bind on the outlines of the aforesaid Ordinance Parcel No. 7 and also binding on the outlines of Lot 1 aforesaid, the four following courses and distances, viz:

(3) North $24^{\circ} 15' 21''$ East 576.74 feet,

(4) 210.12 feet along the arc of a curve to the right having a radius of 425.40 feet and subtended by a long chord bearing North $38^{\circ} 24' 20''$ East 207.99 feet,

(5) North $52^{\circ} 33' 21''$ East 149.71 feet, and

(6) South $42^{\circ} 59' 27''$ East 6.73 feet, thence running across Parcel No. 7 aforesaid and continuing to bind on the outlines of Lot 1 aforesaid, the six following courses and distances, viz:

(7) South 50° 04' 14" West 69.22 feet,

(8) 212.08 feet along the arc of a curve to the left having a radius of 769.78 feet and subtended by a long chord bearing South 33° 44' 07" West 211.41 feet,

(9) South 25° 50' 33" West 139.41 feet,

(10) 92.36 feet along the arc of a curve to the left having a radius of 1175.00 feet and subtended by a long chord bearing South 28° 05' 40" West 92.33 feet,

(11) South 30° 20' 46" West 68.89 feet, and

(12) 428.07 feet along the arc of a curve to the left having a radius of 1145.00 feet and subtended by a long chord bearing South 19° 38' 09" West 425.58 feet to intersect the sixth line of Parcel No. 7 aforesaid, thence running across Lot 1 and binding on a part of said sixth line,

(13) South 24° 15' 21" West 72.62 feet to intersect the southernmost line of Lot 1 aforesaid, thence leaving the aforesaid sixth line and binding on a part of the southernmost line of Lot 1,

(14) North 65° 44' 39" West 80.00 feet to the point of beginning; containing 1.4954 acres of land, more or less.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved April 21, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 208

(Council Bill No. 64)

AN ORDINANCE concerning

~~ZONING CODE - B & B HOMESTAYS~~

~~FOR the purpose of adding B & B homestays to the list of conditional uses in the R-1 through R-6 and the B-1 Zoning Districts; adding B & B homestays to the list of permitted uses in the R-7 through R-10, the O-R, and the B-2 through B-5 Zoning Districts; and defining B & B homestays.~~

BY adding

Article 30—Zoning

Section 4.1 1c 10, 4.7 1a 5, 4.8 1a 6, 4.9 1a 8, 4.10 1a 9,

5.1 1a 10, 6.1 1c 1b, 6.2 1b 5a, 13.0 2-6a

Baltimore City Code (1983 Replacement Volume, as amended)

BY repealing and reordaining with amendments

Article 30—Zoning

Section 13.0 2-72

Baltimore City Code (1983 Replacement Volume, as amended)

~~SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(c) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:~~

~~ARTICLE 30—ZONING~~

~~Chapter 4—Residence Districts~~

~~4.1—R-1 Single Family Residence District.~~

~~1. Use regulations.~~

~~c. Conditional uses.~~

~~10. B & B HOMESTAYS~~

~~4.7—R-7 General Residence District.~~

~~1. Use regulations.~~

~~a. Permitted uses.~~

~~5. B & B HOMESTAYS~~

~~4.8—R-8 General Residence District.~~

~~1. Use regulations.~~

~~a. Permitted uses.~~

~~6. B & B HOMESTAYS~~

- ~~4.9 R 9 General Residence District.~~
~~1. Use regulations.~~
~~a. Permitted uses.~~
~~8. B & B HOMESTAYS~~

- ~~4.10 R 10 General Residence District.~~
~~1. Use regulations.~~
~~a. Permitted uses.~~
~~9. B & B HOMESTAYS~~

~~Chapter 5 Office Residence District~~

- ~~5.1 O R Office Residence District.~~
~~1. Use regulations.~~
~~a. Permitted uses.~~
~~10. B & B HOMESTAYS~~

~~Chapter 6 Business Districts~~

- ~~6.1 B 1 Neighborhood Business District.~~
~~1. Use regulations.~~
~~c. Conditional uses.~~
~~1B. B & B HOMESTAYS~~

- ~~6.2 B 2 Community Business District.~~
~~1. Use regulations.~~
~~b. Permitted uses.~~
~~5A. B & B HOMESTAYS~~

~~Chapter 13 Rules and Definitions~~

~~13.0 2 Definitions.~~

~~6A. B & B HOMESTAY: A PRIVATE, OWNER OCCUPIED RESIDENCE IN WHICH THE FREQUENCY AND VOLUME OF B & B VISITORS ARE INCIDENTAL TO THE PRIMARY USE OF THE BUILDING AS A PRIVATE RESIDENCE. ONE TO FOUR GUEST ROOMS ARE MADE AVAILABLE TO TRANSIENT VISITORS AND PROVIDE SUPPLEMENTAL INCOME FOR HOSTS. BREAKFAST IS THE ONLY MEAL SERVED AND IS INCLUDED IN THE CHARGE FOR THE ROOM.~~

~~72. Rooming and boarding house: an establishment located in a building, or portion thereof, containing rooming units for the~~

~~accommodation of three or more persons, and furnishing such units, or furnishing such units and meals, to individuals on a daily, weekly or monthly basis for compensation. [For purposes of this ordinance, this category shall include inns also known as bed and breakfast establishments.]~~

~~SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.~~

ZONING CODE - BED AND BREAKFAST

FOR the purpose of adding bed and breakfast home to the list of conditional uses in the R-7 through R-10, the O-R and the B-2 through B-5 Zoning Districts; adding bed and breakfast establishment to the list of conditional uses in the R-8, R-9, R-10, O-R, and B-2 through B-5 Zoning Districts; providing for certain consideration by the Board of Municipal and Zoning Appeals; requiring certain off-street parking spaces; and adding and amending certain definitions.

BY adding

Article 30 - Zoning

Section 4.7-1c-4, a paragraph to 4.7-2a-3, 4.8-1c-6, 4.8-1c-7, 4.9-1c-6, 4.9-1c-7, 4.10-1c-6, 4.10-1c-7, 5.1-1c-16, 5.1-1c-17, 6.2-1c-12, 6.2-1c-13, a paragraph to 9.0-3, 11.0-5-18, 13.0-2-6A, 13.0-2-6B

Baltimore City Code (1983 Replacement Volume, as amended)

BY repealing and reordaining with amendments

Article 30 - Zoning

Section 13.0-2-72

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 30 - ZONING

Chapter 4 - Residence Districts

4.7 R-7 General Residence District.

1. Use regulations.

c. Conditional uses.

4. BED AND BREAKFAST HOME

2. Bulk regulations.

a. Lot area and coverage.

3. Conditional uses.

BED AND BREAKFAST HOME.....500 SQ. FT.
PER GUEST ROOM

4.8 R-8 General Residence District.

1. Use regulations.

c. Conditional uses.

6. BED AND BREAKFAST HOME

7. BED AND BREAKFAST ESTABLISHMENT

4.9 R-9 General Residence District.

1. Use regulations.

c. Conditional uses.

6. BED AND BREAKFAST HOME

7. BED AND BREAKFAST ESTABLISHMENT

4.10 R-10 General Residence District.

1. Use regulations.

c. Conditional uses.

6. BED AND BREAKFAST HOME

7. BED AND BREAKFAST ESTABLISHMENT

Chapter 5 - Office-Residence District

5.1 O-R Office-Residence District.

1. Use regulations.

c. Conditional uses.

16. BED AND BREAKFAST HOME
17. BED AND BREAKFAST ESTABLISHMENT

Chapter 6 - Business Districts

6.2 B-2 Community Business District.

l. Use regulations.

c. Conditional uses.

12. BED AND BREAKFAST HOME
13. BED AND BREAKFAST ESTABLISHMENT

Chapter 9 - Off Street Parking Regulations

9.0-3 Schedule of required off-street parking spaces.

BED AND BREAKFAST HOME:

R-7, R-8, R-9, R-10,

O-R, B-2, B-3, B-4,

B-5

ONE FOR EACH GUEST ROOM

ONE FOR OWNER OCCUPANT

BED AND BREAKFAST ESTABLISHMENT:

R-8, R-9, R-10, O-R, B-2,

B-3, B-4, B-5

ONE FOR EACH GUEST ROOM

ONE FOR OWNER OCCUPANT

Chapter 11 - Administration and Enforcement

11.0-5 Standards.

a. Standards for conditional uses.

18. IN THE CASE OF A BED AND BREAKFAST
ESTABLISHMENT, THE BOARD SHALL DETERMINE
AND STATE WHETHER THE PREMISES ARE OWNER-
OCCUPIED.

Chapter 13 - Rules and Definitions

13.0-2 Definitions.

6A. BED AND BREAKFAST ESTABLISHMENT: AN ESTABLISHMENT WITH MIXED USE AS PRIVATE RESIDENCE AND LODGING. A MAXIMUM OF TEN GUEST ROOMS ARE AVAILABLE TO TRANSIENT VISITORS. BREAKFAST IS THE ONLY MEAL SERVED AND IS INCLUDED IN THE CHARGE FOR THE ROOM. IN A RESIDENCE OR OFFICE-RESIDENCE DISTRICT NO SIGN OR OTHER ADVERTISING MAY BE POSTED ON THE PREMISES OTHER THAN A NAME PLATE MEASURING NO GREATER THAN ONE SQUARE FOOT.

6B. BED AND BREAKFAST HOME: A SINGLE FAMILY RESIDENCE USED PRIMARILY AS A HOME, BUT ALSO PROVIDING LODGING. A BED AND BREAKFAST HOME IS OWNER OCCUPIED. A MAXIMUM OF THREE GUEST ROOMS ARE AVAILABLE TO TRANSIENT VISITORS. BREAKFAST IS THE ONLY MEAL SERVED AND IS INCLUDED IN THE CHARGE FOR THE ROOM. IN A RESIDENCE OR OFFICE-RESIDENCE DISTRICT NO SIGN OR OTHER ADVERTISING MAY BE POSTED ON THE PREMISES OTHER THAN A NAME PLATE MEASURING NO GREATER THAN ONE SQUARE FOOT.

72. Rooming and boarding house: an establishment located in a building, or portion thereof, containing rooming units for the accommodation of three or more persons, and furnishing such units, or furnishing such units and meals, to individuals on a daily, weekly or monthly basis for compensation. [For purposes of this ordinance, this category shall include inns also known as bed and breakfast establishments.]

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved May 3, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 209

(Council Bill No. 391)

AN ORDINANCE concerning

PUBLIC SAFETY CONSERVATION AREA

FOR the purpose of establishing a Public Safety Conservation Area Program; providing for a Public Safety Conservation Area Advisory Board; providing for duties of the Advisory Board; providing for the administration; and generally relating to the establishment of public safety conservation areas.

BY adding

Article 19 - Police Ordinances

Section 240 through 243, inclusive, to be under the new subtitle, "Public Safety Conservation Area"

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 19 - POLICE ORDINANCES

PUBLIC SAFETY CONSERVATION AREA

240. DEFINITIONS.

FOR THE PURPOSES OF THIS SUBTITLE, THE FOLLOWING TERMS SHALL HAVE THE MEANINGS LISTED BELOW:

A. "AREA" MEANS AN AREA CONSISTING OF 2 OR MORE BLOCK FACES.

B. "BLOCK FACE" MEANS ALL THE PROPERTIES ON ONE SIDE OF A STREET BETWEEN TWO CONSECUTIVE INTERSECTING

STREETS INCLUDING COMMERCIAL, RELIGIOUS, AND RESIDENTIAL PROPERTIES.

C. "PUBLIC SAFETY CONSERVATION AREA" MEANS AN AREA DESIGNATED IN AN APPLICATION FILED PURSUANT TO SECTION 241 IN WHICH SIGNS PROVIDED FOR IN THIS SUBTITLE MAY BE ERECTED.

241. PROCEDURE.

WITH THE COOPERATION OF NEIGHBORHOODS AND CITY OFFICIALS, THERE IS ESTABLISHED A PUBLIC SAFETY CONSERVATION AREA ADVISORY BOARD AND PROGRAM TO PROMOTE A CRIME-FREE ENVIRONMENT IN NEIGHBORHOODS. THE PROGRAM SHALL BE AVAILABLE TO ALL QUALIFIED RESIDENTIAL BLOCKS AND AREAS OF THE CITY. IN ORDER TO QUALIFY FOR THE PROGRAM SUCH BLOCKS AND AREAS SHALL MEET THE CRITERIA SET FORTH IN THIS SUBTITLE AND ANY RULES AND REGULATIONS ESTABLISHED BY THE BOARD IN CONSULTATION WITH THE DIRECTOR OF PUBLIC WORKS AND OTHER CITY AGENCY HEADS UNDER THE REQUIREMENTS OF THIS SUBTITLE. THE PROCEDURE SHALL BE AS FOLLOWS:

(A) ESTABLISHMENT. THERE WILL BE A PUBLIC SAFETY CONSERVATION AREA ADVISORY BOARD MADE UP OF THE POLICE COMMISSIONER, THE DIRECTOR OF RECREATION AND PARKS, THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, THE DIRECTOR OF PUBLIC WORKS, THE DIRECTOR OF THE MAYOR'S COORDINATING COUNCIL ON CRIMINAL JUSTICE, THE CHAIR OF THE CITY COUNCIL'S POLICY AND PLANNING COMMITTEE WHO SHALL SERVE EX OFFICIO, AND A MEMBER OF THE PROPERTY OWNERS' ASSOCIATION AND 3 CITIZENS APPOINTED BY THE MAYOR. ANY AGENCY HEAD MAY DESIGNATE AN AGENT TO SERVE IN HIS OR HER STEAD. THIS ADVISORY BOARD WILL CONSIDER PETITIONS RECEIVED FROM ANY COMMUNITY GROUP REQUESTING DESIGNATION AS A PUBLIC SAFETY CONSERVATION AREA.

(B) APPLICATION. TO BE CONSIDERED FOR THE PUBLIC SAFETY CONSERVATION AREA PROGRAM, A NEIGHBORHOOD GROUP, GROUP OF RESIDENTS, OR COMMUNITY ASSOCIATION SHALL SUBMIT AN APPLICATION TO THE BOARD INDICATING THAT

AT LEAST 60% OF THE RESIDENTS OF THE BLOCK OR BLOCKS WISH TO FORM SUCH AN AREA. THE BOUNDARY OF THE PUBLIC SAFETY CONSERVATION AREA SHALL BE CLEARLY IDENTIFIED ~~ON THE APPLICATION~~. IN ADDITION, ON THE APPLICATION THE RESIDENTS APPLYING OF EVERY PROPERTY MUST CERTIFY THAT THEY HAVE OR WILL HAVE AND WILL USE FRONT AND REAR OUTDOOR LIGHTS. FOR GOOD CAUSE SHOWN AND WHEN THE POLICE COMMISSIONER DETERMINES THAT A DELAY WOULD BE HARMFUL TO THE PUBLIC SAFETY AND WELFARE, THE COMMISSIONER MAY APPLY DIRECTLY TO THE BOARD TO HAVE AN AREA DESIGNATED A PUBLIC SAFETY CONSERVATION AREA.

(C) UPON REFERRAL OF THE APPLICATION TO THE LOCAL POLICE DISTRICT, THE MAJOR OF THAT DISTRICT MUST CONFIRM THAT CALLS FOR SERVICE AND INCIDENT REPORTS FROM THE AREA REQUESTING DESIGNATION AS A PUBLIC SAFETY CONSERVATION AREA DEMONSTRATE A NEED FOR INCREASED PUBLIC SAFETY MEASURES. THE BOARD SHALL APPROVE OR DENY THE APPLICATION. WHEN AN APPLICATION IS DENIED, THE BOARD SHALL STATE THE REASONS FOR THE DENIAL.

242. OPERATION.

UPON APPROVAL OF A PUBLIC SAFETY CONSERVATION AREA, THE FOLLOWING STEPS SHALL BE TAKEN BY THE CITY:

(A) PRIVATE LIGHTING WILL BE CONFIRMED.

(B) THE TREES OWNED BY THE PROPERTY OWNERS IN THE AREA WILL BE INSPECTED BY THE CITY FORESTER AND RECOMMENDATIONS MADE TO THE OWNERS FOR TRIMMING THEM.

(C) THE CITY FORESTER WILL TRIM ALL TREES ON PUBLIC PROPERTY WHICH INTERFERE TO DECREASE THE INTENSITY OF THE STREET LIGHTING.

(D) THE STREET LIGHTING WILL BE UPGRADED ON A PRIORITY BASIS.

243. ADMINISTRATION OF THE PROGRAM.

THE BOARD SHALL PROMULGATE RULES NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on ~~the 30th day after~~ the date of its enactment.

Approved May 3, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 210

(Council Bill No. 457)

AN ORDINANCE concerning

~~DIVESTITURE~~ INVESTMENT OF FUNDS - NORTHERN IRELAND -
MACBRIDE PRINCIPLES

FOR the purpose of ending the investment of public pension funds in firms doing business in or with Northern Ireland unless those firms have adopted the "MacBride Principles".

BY adding

Article 22 - Retirement Systems
Subtitle - Employees' Retirement System
Section 7(a)(2)
Baltimore City Code (1983 Replacement Volume, as amended)

By adding

Article 22 - Retirement Systems
Subtitle - Elected Officials' Retirement System
Section 23(c)
Baltimore City Code (1983 Replacement Volume, as amended)

BY adding

Article 22 - Retirement Systems
Subtitle - Fire and Police Employees

Section 35(a)(2)

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 22 - RETIREMENT SYSTEMS

Employees' Retirement System

7. Management of funds.

(a) Trustee of funds.

The Board of Trustees shall be the trustees of the several funds of the Employees' Retirement System of Baltimore created by Article 22 under this subtitle as provided in Section 8. The Board of Trustees shall have the power to invest and reinvest such funds in the following types or classes of assets subject to the limitations, if any, as set forth with regard to each type or class of investment.

The Board of Trustees shall have the duty and responsibility of periodically determining investment policies consistent with the capital market environment, and the actuarial characteristics of the Employees' Retirement System and to publish such investment policy guidelines by filing a copy thereof with the Department of Legislative Reference of Baltimore City, and after January 1, 1979, also by publication in the Municipal Journal.

All contributions from time to time paid into the several funds, and the income thereof, without distinction between principal and income, shall be held and administered by the Board of Trustees or its agents in the funds, and the Board shall not be required to segregate or invest separately any portion of the funds.

Provided, however, that nothing in this section shall be deemed to render illegal or to invalidate the making and holding of any investment heretofore made and now remaining in said funds where such investment when made was authorized by law prior to the enactment of this section; and provided further, that nothing herein

shall be deemed to prevent the Board of Trustees from accepting, in lieu or substitution of securities representing investments heretofore validly made, other securities not of the kind enumerated but authorized by ordinance as investments for the said Board prior to the enactment of this section, where the Board shall deem such substitution of securities desirable to preserve the investment of said funds. Subject to the terms, provisions and conditions contained herein, said Trustees shall have full power to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds created herein shall have been invested, as well as the proceeds of said investments and any moneys belonging to said funds.

(2)(~~h~~) ON AND AFTER THE FIRST DAY OF THE FIRST ~~THIRD~~ QUARTER OF FISCAL YEAR ~~1993~~ 1994, NO MONIES OR FUNDS HELD UNDER ANY PROVISION OF THE RETIREMENT SYSTEM SHALL ~~REMAIN INVESTED OR~~ BE INVESTED IN THE STOCKS, SECURITIES OR OTHER OBLIGATIONS OF ANY BANK OR FINANCIAL INSTITUTION WHICH MAKES LOANS TO NORTHERN IRELAND, OR TO A NATIONAL CORPORATION OF NORTHERN IRELAND, OR IN THE STOCKS, SECURITIES, OR OTHER OBLIGATIONS OF ANY COMPANY DOING BUSINESS IN OR WITH NORTHERN IRELAND, OR WHOSE SUBSIDIARY OR AFFILIATE DOES BUSINESS IN OR WITH NORTHERN IRELAND, UNLESS THE BANK, FINANCIAL INSTITUTION, NATIONAL CORPORATION OF NORTHERN IRELAND OR ANY COMPANY OR THAT COMPANY'S SUBSIDIARY DOING BUSINESS IN OR WITH NORTHERN IRELAND HAS ADOPTED AND FOLLOWS THE GOALS KNOWN AS THE MACBRIDE PRINCIPLES:

1. INCREASED REPRESENTATION OF INDIVIDUALS FROM UNDER-REPRESENTED RELIGIOUS GROUPS IN THE WORK FORCE, INCLUDING MANAGERIAL, SUPERVISORY, ADMINISTRATIVE, CLERICAL AND TECHNICAL JOBS;

2. ADEQUATE SECURITY FOR THE PROTECTION OF MINORITY EMPLOYEES AT THE WORK PLACE AND WHILE TRAVELING TO AND FROM WORK;

3. BAN OF PROVOCATIVE RELIGIOUS OR POLITICAL EMBLEMS FROM THE WORK PLACE;

4. PUBLIC ADVERTISEMENT OF ALL JOB OPENINGS AND SPECIAL RECRUITMENT EFFORTS MADE TO ATTRACT APPLICANTS FROM UNDER-REPRESENTED RELIGIOUS GROUPS;

5. LAYOFF, RECALL AND TERMINATION PROCEDURES NOT TO FAVOR PARTICULAR RELIGIOUS GROUPS;

6. ABOLITION OF JOB RESERVATIONS, APPRENTICESHIP RESTRICTIONS AND DIFFERENTIAL EMPLOYMENT CRITERIA WHICH DISCRIMINATE ON THE BASIS OF RELIGION OR ETHNIC ORIGIN;

7. DEVELOPMENT OF TRAINING PROGRAMS THAT WILL PREPARE SUBSTANTIAL NUMBERS OF CURRENT MINORITY EMPLOYEES FOR SKILLED JOBS, INCLUDING THE EXPANSION OF EXISTING PROGRAMS AND THE CREATION OF NEW PROGRAMS TO TRAIN, UPGRADE AND IMPROVE THE SKILLS OF MINORITY EMPLOYEES;

8. ESTABLISHMENT OF PROCEDURES TO ASSESS, IDENTIFY AND ACTIVELY RECRUIT MINORITY EMPLOYEES WITH POTENTIAL FOR FURTHER ADVANCEMENT; AND

9. APPOINTMENT OF A SENIOR MANAGEMENT STAFF MEMBER TO OVERSEE THE COMPANY'S AFFIRMATIVE ACTION EFFORTS AND THE SETTING UP OF TIMETABLES TO CARRY OUT AFFIRMATIVE ACTION PRINCIPLES.

(2) (ii) BUSINESS ENTITIES DOING BUSINESS IN NORTHERN IRELAND SHALL BE IDENTIFIED BY REFERENCE TO THE MOST RECENT REPORT OF INVESTOR RESPONSIBILITY RESEARCH CENTER, INCORPORATED CONCERNING NORTHERN IRELAND.

(iii) 1. NOTWITHSTANDING THE PROVISIONS OF SECTION 7(A)(2)(I) TO CORPORATIONS DOING BUSINESS IN NORTHERN IRELAND, THE BOARD OF TRUSTEES SHALL, CONSISTENT WITH SOUND INVESTMENT POLICY, MAKE INVESTMENTS IN SUCH A MANNER AS TO ENCOURAGE CORPORATIONS THAT, IN THE BOARD'S DETERMINATION, PURSUE A POLICY OF AFFIRMATIVE ACTION IN NORTHERN IRELAND.

2. WHENEVER FEASIBLE, THE BOARD SHALL SPONSOR, COSPONSOR, AND SUPPORT SHAREHOLDER RESOLUTIONS DESIGNED TO ENCOURAGE CORPORATIONS IN WHICH THE BOARD HAS INVESTED TO PURSUE A POLICY OF AFFIRMATIVE ACTION IN NORTHERN IRELAND.

3. THE PROVISIONS OF SECTION 7(A)(2) SHALL NOT BE CONSTRUED TO REQUIRE THE BOARD TO DISPOSE OF EXISTING INVESTMENTS.

ELECTED OFFICIALS' RETIREMENT SYSTEM

23. Management of funds.

(C) THE PROVISIONS OF SECTION 7(A)(2) OF THIS ARTICLE 22, CONCERNING THE ~~DIVESTMENT~~ INVESTMENT OF FUNDS IN FIRMS DOING BUSINESS IN OR WITH NORTHERN IRELAND UNLESS THE FIRM ADOPTS AND FOLLOWS THE MACBRIDE PRINCIPLES, SHALL APPLY TO THE SEVERAL FUNDS OF THE ELECTED OFFICIALS' RETIREMENT SYSTEM OF BALTIMORE.

Fire and Police Employees

35. Management of funds.

(a) Trustee of funds. The Board of Trustees shall be the trustees of the several funds of the Fire and Police Employees' Retirement System of Baltimore created by Article 22 under this subtitle as provided in Section 36. The Board of Trustees shall have the power to invest and reinvest such funds in the following types or classes of assets subject to the limitation, if any, as set forth with regard to each type or class of investment.

The Board of Trustees shall have the duty and responsibility of periodically determining investment policies consistent with the capital market environment, and the actuarial characteristics of the Fire and Police Employees' Retirement System and to publish such investment policy guidelines by filing a copy thereof with the Department of Legislative Reference of Baltimore City, and after January 1, 1979, also by publication in the Municipal Journal.

All contributions from time to time paid into the several funds, and the income thereof, without distinction between principal and income, shall be held and administered by the Board of Trustees or its agents in the funds, and the Board shall not be required to segregate or invest separately any portion of the funds.

Provided, however, that nothing in this section shall be deemed to render illegal or to invalidate the making and holding of any

investment heretofore made and now remaining in said funds where such investment when made was authorized by law prior to the enactment of this section; and provided further, that nothing herein shall be deemed to prevent the Board of Trustees from accepting, in lieu or substitution of securities representing investments heretofore validly made, other securities not of the kind enumerated but authorized by ordinance as investments for the said Board prior to the enactment of this section, where the Board shall deem such substitution of securities desirable to preserve the investment of the said funds. Subject to the terms, provisions and conditions contained herein, said Trustees shall have full power to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds created herein shall have been invested, as well as the proceeds of said investments and any moneys belonging to said funds.

(2)(H) ON AND AFTER THE FIRST DAY OF THE FIRST ~~THIRD~~ QUARTER OF FISCAL YEAR ~~1993~~ 1994, NO MONIES OR FUNDS HELD UNDER ANY PROVISION OF THE RETIREMENT SYSTEM SHALL ~~REMAIN INVESTED OR~~ BE INVESTED IN THE STOCKS, SECURITIES OR OTHER OBLIGATIONS OF ANY BANK OR FINANCIAL INSTITUTION WHICH MAKES LOANS TO NORTHERN IRELAND, OR TO A NATIONAL CORPORATION OF NORTHERN IRELAND, OR IN THE STOCKS, SECURITIES, OR OTHER OBLIGATIONS OF ANY COMPANY DOING BUSINESS IN OR WITH NORTHERN IRELAND, OR WHOSE SUBSIDIARY OR AFFILIATE DOES BUSINESS IN OR WITH NORTHERN IRELAND, UNLESS THE BANK, FINANCIAL INSTITUTION, NATIONAL CORPORATION OF NORTHERN IRELAND OR ANY COMPANY OR THAT COMPANY'S SUBSIDIARY DOING BUSINESS IN OR WITH NORTHERN IRELAND HAS ADOPTED AND FOLLOWS THE GOALS KNOWN AS THE MACBRIDE PRINCIPLES:

1. INCREASED REPRESENTATION OF INDIVIDUALS FROM UNDER-REPRESENTED RELIGIOUS GROUPS IN THE WORK FORCE, INCLUDING MANAGERIAL, SUPERVISORY, ADMINISTRATIVE, CLERICAL AND TECHNICAL JOBS;

2. ADEQUATE SECURITY FOR THE PROTECTION OF MINORITY EMPLOYEES AT THE WORK PLACE AND WHILE TRAVELING TO AND FROM WORK;

3. BAN OF PROVOCATIVE RELIGIOUS OR POLITICAL EMBLEMS FROM THE WORK PLACE;

4. PUBLIC ADVERTISEMENT OF ALL JOB OPENINGS AND SPECIAL RECRUITMENT EFFORTS MADE TO ATTRACT APPLICANTS FROM UNDER-REPRESENTED RELIGIOUS GROUPS;

5. LAYOFF, RECALL AND TERMINATION PROCEDURES NOT TO FAVOR PARTICULAR RELIGIOUS GROUPS;

6. ABOLITION OF JOB RESERVATIONS, APPRENTICESHIP RESTRICTIONS AND DIFFERENTIAL EMPLOYMENT CRITERIA WHICH DISCRIMINATE ON THE BASIS OF RELIGION OR ETHNIC ORIGIN;

7. DEVELOPMENT OF TRAINING PROGRAMS THAT WILL PREPARE SUBSTANTIAL NUMBERS OF CURRENT MINORITY EMPLOYEES FOR SKILLED JOBS, INCLUDING THE EXPANSION OF EXISTING PROGRAMS AND THE CREATION OF NEW PROGRAMS TO TRAIN, UPGRADE AND IMPROVE THE SKILLS OF MINORITY EMPLOYEES;

8. ESTABLISHMENT OF PROCEDURES TO ASSESS, IDENTIFY AND ACTIVELY RECRUIT MINORITY EMPLOYEES WITH POTENTIAL FOR FURTHER ADVANCEMENT; AND

9. APPOINTMENT OF A SENIOR MANAGEMENT STAFF MEMBER TO OVERSEE THE COMPANY'S AFFIRMATIVE ACTION EFFORTS AND THE SETTING UP OF TIMETABLES TO CARRY OUT AFFIRMATIVE ACTION PRINCIPLES.

(2) (ii) BUSINESS ENTITIES DOING BUSINESS IN NORTHERN IRELAND SHALL BE IDENTIFIED BY REFERENCE TO THE MOST RECENT REPORT OF INVESTOR RESPONSIBILITY RESEARCH CENTER, INCORPORATED CONCERNING NORTHERN IRELAND.

(iii) 1. NOTWITHSTANDING THE PROVISIONS OF SECTION 7(A)(2)(D) WITH RESPECT TO CORPORATIONS DOING BUSINESS IN NORTHERN IRELAND, THE BOARD OF TRUSTEES SHALL, CONSISTENT WITH SOUND INVESTMENT POLICY, MAKE INVESTMENTS IN SUCH A MANNER AS TO ENCOURAGE CORPORATIONS THAT, IN THE BOARD'S DETERMINATION, PURSUE A POLICY OF AFFIRMATIVE ACTION IN NORTHERN IRELAND.

2. WHENEVER FEASIBLE, THE BOARD SHALL SPONSOR, COSPONSOR, AND SUPPORT SHAREHOLDER RESOLUTIONS DESIGNED TO ENCOURAGE CORPORATIONS IN

WHICH THE BOARD HAS INVESTED TO PURSUE A POLICY OF
AFFIRMATIVE ACTION IN NORTHERN IRELAND.

3. THE PROVISIONS OF SECTION 7(A)(2) SHALL NOT
BE CONSTRUED TO REQUIRE THE BOARD TO DISPOSE OF EXISTING
INVESTMENTS.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance
shall take effect on the 30th day after the date of its enactment.

Approved May 3, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 211

(Council Bill No. 485)

AN ORDINANCE concerning

REPEAL OF RESERVED PARKING - FLEET STREET

FOR the purpose of repealing Ordinance No. 1084, approved October
30, 1987 which provided for reserved handicapped parking on the
south side of Fleet Street east of Curley Street for Joseph Cudnik.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY
COUNCIL OF BALTIMORE, That Ordinance No. 1084, approved October
30, 1987, is hereby repealed and the authorization for reserved
handicapped parking on the south side of Fleet Street east of Curley
Street for Joseph Cudnik therein provided, is hereby rescinded.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance
shall take effect on the date of its enactment.

Approved May 3, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 212

(Council Bill No. 313)

AN ORDINANCE concerning

ZONING - APPROVAL FOR CONDITIONAL USE
PARKING LOT - 5 W. WEST STREET

FOR the purpose of granting permission for the establishment, maintenance and operation of an open off-street parking area on the property known as 5 W. West Street, as outlined in red on the plats accompanying this ordinance, subject to the condition that the operator of the parking lot shall prevent any motor vehicle from being parked in the alley right-of-way.

BY adding

Article 30 - Zoning

Section(s) 4.8-1d-3 and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is hereby granted for the establishment, maintenance and operation of an open off-street parking area on the property known as 5 W. West Street as outlined in red on the plats accompanying this ordinance, under the provisions of Section(s) 4.8-1d-3 and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended), title "Zoning", subject to the condition that the operator of the parking lot shall prevent any motor vehicle from being parked in the alley right-of-way.

SEC. 2. AND BE IT FURTHER ORDAINED, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and

Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved May 13, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 213

(Council Bill No. 425)

AN ORDINANCE concerning

URBAN RENEWAL - MOUNT VERNON -
AMENDMENT NO. 9

FOR the purpose of amending the Urban Renewal Plan for Mount Vernon to, among other things, ~~permit attorneys' offices as Special Exceptions; prohibit adult entertainment businesses; PERMIT~~ ATTORNEYS' OFFICES AT 843 PARK AVENUE; waive such requirements, if any, as to content or procedure for the preparation, adoption, and approval of renewal plans as set forth in Article 13 of the Baltimore City Code which the amended Plan may not meet; provide for the severability of the various parts and provisions of this ordinance; provide that where the provisions of this ordinance shall conflict with any other ordinance in force in the City of Baltimore, the provision which establishes the higher standard shall prevail; and provide for an effective date hereof.

WHEREAS, The Urban Renewal Plan for Mount Vernon was originally approved by the Mayor and City Council of Baltimore by Ordinance No. 281, approved June 22, 1964; amended by Ordinance No. 1167, approved December 2, 1967; amended by the Board of Estimates on June 14, 1967, December 17, 1969, March 24, 1971 and March 22, 1972; amended by Ordinance No. 435, approved July 19, 1973; amended by Ordinance No. 120, approved June 30, 1976; and amended by Ordinance No. 841, approved July 19, 1978; and

WHEREAS, It is necessary to amend the Urban Renewal Plan for Mount Vernon in order to permit attorneys' offices ~~as Special Exceptions~~ and to prohibit adult entertainment businesses at 843 Park Avenue; and

WHEREAS, Pursuant to Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended), no substantial change or changes shall be made in any renewal plan, after approval by ordinance, without such change or changes first being adopted and approved in the same manner as set forth in said Article 13 for the approval of a renewal plan; and

WHEREAS, In accordance with the provisions of Section 25(h) of said Article 13, when a Councilmember initiates an amendment to an existing renewal plan, such bill shall be sent to the Department of Housing and Community Development and to the Planning Commission for recommendation and report; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the amended Urban Renewal Plan for Mount Vernon, identified as "Urban Renewal Plan, Mount Vernon, revised to include Amendment No. 9, dated December 1, 1992", having been duly reviewed and considered, is hereby approved and the Clerk of the City Council is hereby directed to file a copy of said amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record and to make the same available for public inspection and information.

SEC. 2. AND BE IT FURTHER ORDAINED, That the following changes in the plan are hereby approved:

1. ~~Section C.2.b.(1)(b)iii is amended to read as follows:~~

~~C.2.b.(1)(b)~~

~~iii. Special Exceptions (Physicians', ATTORNEYS'; and Dentists' Offices)-~~

~~Subject to the decision of the Board of Municipal and Zoning Appeals after public notice and hearing, the office of a physician, AN ATTORNEY, or of a dentist may be permitted as a Special Exception.~~

~~Such office need not be located in the bona fide residence of the physician, THE ATTORNEY, or dentist applying for the Special Exception. Any Special Exception approved by the Board of Municipal and Zoning Appeals shall not be impressed with the status of a nonconforming use, but shall be further limited as follows:~~

- ~~(a) It shall only be permitted in a building already erected for residential use, and there shall be no substantial change in the exterior of such building which would result in a lack of architectural harmony with adjacent residential buildings.~~
- ~~(b) No advertising sign or device shall be displayed except a flat ornamental, non illuminated sign, not exceeding one square foot in area may be placed against the exterior of the building.~~
- ~~(c) The Special Exception shall be limited to the office of a physician, AN ATTORNEY, and of a dentist and shall not be a clinic or a hospital.~~

~~2. Section C.2.b.(4) is amended to read as follows:~~

~~C.2.b.~~

~~(4) Commercial~~

~~The following uses will be permitted within the commercial use areas shown on the Land Use Map, Exhibit No. 2:~~

~~Antique or gift shops, art and artists' supply shops; appliance parts, supplies, and repair services; auto supply services, and repairs except body fender work, and painting; auto service stations where automobile servicing and minor repairs only are permitted; bakeries without baking on the premises or bakeries where baked products prepared on the premises are sold on the premises; barber shops, beauty shops, and similar personal service shops;~~

bookbinding; book, stationery, or greeting card stores; bowling alleys; bus and railroad terminals and related facilities including express companies; business machine repair services; cabinetmaker; camera or photo supply shops; caterer; clothing or dry goods stores; coin and vending machine sales and services; confectionery stores, including snack bars and sale of candy and ice cream; delicatessens; drug stores; duplicating and printing services; electrical, heating, ventilating, plumbing, painting, floor covering and other home improvement contracting services; financial institutions or agencies; florists' shops; food stores and supermarkets; funeral homes; furniture, appliance, and household goods stores; glazier; hardware stores; hobby shops; hotels (existing) and related facilities; ice or ice cube dispensing—no manufacturing of ice on the premises; jewelry, metal craft, or watch stores; laundromats, laundry and dry cleaning collection and distribution stations; libraries, lodges and clubs; luggage and leather goods stores; musical instrument, sheet music, and record shops; newsstands; offices, business and professional; parking lots and garages; pharmaceutical, medical, dental, and surgical supplies distributor; photographic studios; post offices; restaurants, WITHOUT ADULT ENTERTAINMENT AND with or without liquor licenses; shoe and shoe repair stores; sporting goods stores; tailoring and clothing sales establishments; tailor shops—including spot cleaning, pressing and repairs; taverns WITHOUT ADULT ENTERTAINMENT and liquor stores; telephone switchboard and maintenance services; theatres OTHER THAN ADULT ENTERTAINMENT THEATRES; tobacco shops; toy and variety stores; travel bureaus; upholsterers; wholesaling, warehousing, and distributing establishments; and similar types of sales, service and repair establishments; and landscaping, parking and loading facilities. No use shall be permitted which is noxious or offensive by reason of the emission of odor, dust, smoke, gas, fumes, vibration, or noise.

1. In Appendix A add to the list of Residential Mixed "843 Park Avenue".

2. In Exhibit 2 - Land Use Map designate 843 Park Avenue as a mixed use property.

SEC. 3. AND BE IT FURTHER ORDAINED, That in whatever respect, if any, the said amended Urban Renewal Plan approved hereby may not meet the requirements as to the content of a renewal plan or the procedures for the preparation, adoption, and approval of renewal plans, as provided in Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended), the said requirements are hereby waived and the amended Urban Renewal Plan approved hereby is exempted therefrom.

SEC. 4. AND BE IT FURTHER ORDAINED, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this ordinance or the application thereof to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this ordinance without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof so held invalid.

SEC. 5. AND BE IT FURTHER ORDAINED, That in any case where a provision of this ordinance concerns the same subject matter as an existing provision of any zoning, building, electrical, plumbing, health, fire or safety ordinance or code or regulation, the applicable provisions concerned shall be construed so as to give effect to each; provided, however, that if such provisions are found to be in irreconcilable conflict, the provision which establishes the higher standard for the promotion of the public health and safety shall prevail. In any case where a provision of this ordinance is found to be in conflict with an existing provision of any other ordinance or code or regulation in force in the City of Baltimore which establishes a lower standard for the promotion and protection of the public health and safety, the provision of this ordinance shall prevail, and the other existing provision of such other ordinance or code or regulation is hereby repealed to the extent that it may be found in conflict with this ordinance.

Ord. No. 214

SEC. 6. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved May 13, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 214

(Council Bill No. 454)

AN ORDINANCE concerning

STREET ENCROACHMENT - 2426 PENNSYLVANIA AVENUE

FOR the purpose of authorizing the construction and maintenance of steps projecting approximately 4 feet into the public right-of-way on the northwest side of the property known as 2426 Pennsylvania Avenue.

BY authority of

Article 32 - Building Code

Section 507.2

Baltimore City Building Code (1990 Edition, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the construction and maintenance of steps is hereby authorized on the northwest side of the property generally known as 2426 Pennsylvania Avenue. The steps are a metal fire escape extending approximately 4 feet out from the side of the building. Except as specifically provided in this ordinance, all ordinances and rules and regulations of the Mayor and City Council of Baltimore shall be complied with in the construction and use of the steps.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved May 13, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 215

(Council Bill No. 482)

AN ORDINANCE concerning

SUPPLEMENTARY SPECIAL FUND OPERATING APPROPRIATION -
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
\$3,000,000

FOR the purpose of providing a supplementary Special Fund
Operating appropriation in the amount of \$3,000,000 to the
Department of Housing and Community Development (Program
593 - Community Support Projects) to provide additional operating
appropriations.

BY authority of
Article VI - Board of Estimates
Section 2(h)(2)
Baltimore City Charter (1964 Revision, as amended)

WHEREAS, The money appropriated herein represents proceeds
from Federal Community Development Block Grant XV and XVI in
excess of the amount from this source estimated and relied upon by the
Board of Estimates in determining the tax levy required to balance the
budget for the 1993 fiscal year, and said money is therefore available
for appropriation to the Department of Housing and Community
Development (Program 593 - Community Support Projects) pursuant to
the provisions of Article VI, Section 2(h)(2) of the Baltimore City
Charter (1964 Revision, as amended); and

WHEREAS, The additional sum here appropriated is from sources
which could not be expected with reasonable certainty at the time of the
formulation of the current Ordinance of Estimates in accordance with
Article VI, Section 2(h)(2) of said charter; and

WHEREAS, This supplementary Special Fund Operating
appropriation has been recommended to the City Council by the Board
of Estimates at a regular meeting of the Board held on the 17th day of
February, 1993, all in accordance with Article VI, Section

2(h)(2) of the Baltimore City Charter (1964 Revision, as amended).

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That under the provisions of Article VI, Section 2(h)(2) of the 1964 revision of the Charter of Baltimore City, the sum of \$3,000,000 shall be made available to the Department of Housing and Community Development (Program 593 - Community Support Projects) for the fiscal year ending June 30, 1993 to provide funding for additional operating expenses. The amount thus made available as a supplementary Special Fund Operating appropriation shall be expended from Federal Community Development Block Grant XV (\$1,877,290) and XVI (\$1,122,710) in excess of the amount from this source which was estimated or relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1993 fiscal year; and said funds from said Federal Community Development Block Grant XV and XVI shall be the source of revenue for this supplementary Special Fund Operating appropriation as required by Article VI, Section 2(h)(2) of the Baltimore City Charter (1964 Revision, as amended).

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved May 13, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 216

(Council Bill No. 487)

AN ORDINANCE concerning

NAMING CITY PROPERTY

FOR the purpose of naming the field house on the Morrell Park playground at 2415 Tolley Street the Mickey Finn Field House in honor of the late Mickey Finn.

BY authority of

Article 1 - Mayor, City Council, and Municipal Agencies

Subtitle - Naming City Property

Section 229

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the field house on the Morrell Park playground at 2415 Tolley Street be and it is here by named the Mickey Finn Field House in honor of the late Mickey Finn.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved May 13, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 217

(Council Bill No. 526)

AN ORDINANCE concerning

FRANCHISE - AMENDMENT TO UNITED CABLE TELEVISION
OF BALTIMORE LIMITED PARTNERSHIP
CABLE COMMUNICATIONS SYSTEM FRANCHISE

FOR the purpose of amending the grant of permission and authority to United Cable Television of Baltimore Limited Partnership, established pursuant to the laws of Delaware, to construct, operate, maintain and reconstruct a cable communications system within the streets and public ways of the City of Baltimore.

WHEREAS, Pursuant to Ordinance No. 263, approved December 21, 1984, United Cable Television of Baltimore, Inc. ("UCTB") was granted a franchise to construct, operate, maintain and reconstruct a cable system in the City of Baltimore in accordance with the terms and conditions set forth in the Franchise Agreement dated as of November 29, 1984, between the City and UCTB ("Franchise Agreement") as amended from time to time with the approval of the City and UCTB, and which Agreement was appended to, incorporated in, and made a

part of Ordinance No. 263. United Cable Television of Baltimore Limited Partnership ("Grantee") is the successor in interest to UCTB; and

WHEREAS, The Franchise Agreement provided for the construction of an Institutional Network ("INET") to be activated at the discretion of the Grantee, and said INET has not yet been constructed and activated; and

WHEREAS, The construction and activation of an INET concentrating on City facilities, elementary and secondary schools located in Baltimore City, and other public institutions, as well as the prompt provision of Institutional Services are in the public interest; and

WHEREAS, In order to facilitate the construction of such an INET, the City and the Grantee have entered into a Supplemental Cable Franchise Agreement approved by the Board of Estimates on April 7, 1993 which requires the amendment of the Franchise Agreement; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Franchise Agreement between the Mayor and City Council of Baltimore and the Grantee dated as of November 29, 1984, and which was appended to, incorporated in and made a part of Ordinance No. 263, approved December 21, 1984, is hereby amended in accordance with the terms and conditions set forth in the Supplemental Cable Franchise Agreement, which Agreement is appended hereto, incorporated herein, and made a part hereof.

SEC. 2. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore hereby expressly reserves the right and duty at all times to exercise, in the interest of the public, full municipal superintendence, regulation and control in respect to all matters connected to this grant, and not inconsistent with the terms hereof.

SEC. 3. AND BE IT FURTHER ORDAINED, That this Ordinance shall take effect on the date of its enactment.

Approved May 13, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 218

(Council Bill No. 422)

AN ORDINANCE concerning

URBAN RENEWAL - MUNICIPAL CENTER AREA
AMENDMENT NO. 7

FOR the purpose of amending the Urban Renewal Plan for Municipal Center Area to, among, other things, phase out within 3 years all adult entertainment businesses located outside the adult entertainment area; waive such requirements, if any, as to content or procedure for the preparation, adoption, and approval of renewal plans as set forth in Article 13 of the Baltimore City Code which the amended Plan may not meet; provide for the separability of the various parts and provisions of this ordinance; provide that where the provisions of this ordinance shall conflict with any other ordinance in force in the City of Baltimore, the provision which establishes the higher standard shall prevail; and provide for an effective date hereof.

WHEREAS, The Urban Renewal Plan for the Municipal Center Area was originally approved by the Mayor and City Council of Baltimore by Ordinance 291, approved March 8, 1977; amended by Ordinance 839, approved July 19, 1978; amended by Ordinance 736, approved June 29, 1982; amended by Ordinance 1018, approved July 6, 1983; amended by Ordinance 218 approved November 21, 1984; amended by Ordinance 631, approved March 17, 1986; and amended by Ordinance 128, approved July 7, 1988; and

WHEREAS, It is necessary to amend the Urban Renewal Plan for the Municipal Center Area in order to phase out the adult entertainment businesses located outside the adult entertainment area; and

WHEREAS, Pursuant to Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended), no substantial change or changes shall be made in any renewal plan, after approval by ordinance, without such change or changes first being adopted and approved in the

same manner as set forth in said Article 13 for the approval of a renewal plan; and

WHEREAS, In accordance with the provisions of Section 25(h) of said Article 13, when a Councilmember initiates an amendment to an existing renewal plan, such bill shall be sent to the Department of Housing and Community Development and to the Planning Commission for recommendation and report; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the amended Urban Renewal Plan for Municipal Center Area, identified as "Urban Renewal Plan, Municipal Center Area, revised to include Amendment No. 7, dated December 1, 1992", having been duly reviewed and considered, is hereby approved and the Clerk of the City Council is hereby directed to file a copy of said amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record and to make the same available for public inspection and information.

SEC. 2. AND BE IT FURTHER ORDAINED, That the following changes in the plan are hereby approved:

On page 3, section B - Urban Renewal Objectives, to add:

- "12. To recognize that the Adult Entertainment Area has resulted in a documented increase in crime which requires coordinated enforcement of the State and City laws relating to the Housing Code, Zoning Code and criminal laws and to require a phasing out within 3 years of all adult entertainment uses outside of the Adult Entertainment Area."

On page 11, section D - Types of Renewal Action to be Used to Achieve Plan Objectives, add:

" 9. Amortization of Adult Entertainment Uses.

It is the intent of the Renewal Plan to phase out all existing adult entertainment uses that are outside of the adopted boundaries designated on Exhibit C- Land Uses Plan. Such uses shall cease their adult entertainment aspects not later than 3 years after the passage of this amendment. 'Adult entertainment use' means a public or

private commercial establishment where persons appear in a state of total or partial nudity in person, on film, on slides or on video tapes. For purposes of this definition, the term "film" shall not include motion pictures rated by the Motion Picture Association of America. 'Commercial establishment' shall include but not be limited to, a restaurant, nightclub, dance hall, peep show, hotel or motel, private club or social hall if adult entertainment is provided as an accessory or principal use. 'Nudity' means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernible turgid state. 'Partial nudity' means a state of dress in which opaque clothing covers no more than the human male or female genitals, pubic area or buttocks, or the female breasts below the top of the nipple, as well as portions of the body covered by supporting straps or devices."

SEC. 3. AND BE IT FURTHER ORDAINED, That is whatever respect, if any, the said amended Urban Renewal Plan approved hereby may not meet the requirements as to the content of a renewal plan or the procedures for the preparation, adoption, and approval of renewal plans, as provided in Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended), the said requirements are hereby waived and the amended Urban Renewal Plan approved hereby is exempted therefrom.

SEC. 4. AND BE IT FURTHER ORDAINED, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this ordinance, or the application thereof to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this ordinance without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof so held invalid.

SEC. 5. AND BE IT FURTHER ORDAINED, That in any case where a provision of this ordinance concerns the same subject matter as an

existing provision of any zoning, building, electrical, plumbing, health, fire or safety ordinance or code or regulation, the applicable provisions concerned shall be construed so as to give effect to each; provided, however, that if such provisions are found to be in irreconcilable conflict, the provision which establishes the higher standard for the promotion of the public health and safety shall prevail. In any case where a provision of this ordinance is found to be in conflict with an existing provision of any other ordinance or code or regulation in force in the City of Baltimore which establishes a lower standard for the promotion and protection of the public health and safety, the provision of this ordinance shall prevail, and the other existing provision of such other ordinance or code or regulation is hereby repealed to the extent that it may be found in conflict with this ordinance.

SEC. 6. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved June 1, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 219

(Council Bill No. 326)

AN ORDINANCE concerning

MINORITY AND WOMEN'S BUSINESS ENTERPRISES -
PAYMENT TO SUBCONTRACTORS

FOR the purpose of requiring contractors to pay subcontractors in a timely fashion; and requiring contractors requesting certain payment from the City to provide evidence of payment to subcontractors with requests for second payments.

BY adding

Article 1 - Mayor, City Council, and Municipal Agencies
Subtitle - Minority and Women's Business Enterprises
Section 222(c)(12)
Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 1 - MAYOR, CITY COUNCIL, AND MUNICIPAL AGENCIES

Minority and Women's Business Enterprises

222. Program administration.

(c) Bidders' duties and responsibilities.

(12) A CONTRACTOR SHALL PAY SUBCONTRACTORS FOR SATISFACTORY WORK IN A TIMELY FASHION. A PAYMENT IS TIMELY IF IT IS MAILED, DELIVERED OR TRANSFERRED TO A SUBCONTRACTOR NO LATER THAN SEVEN (7) DAYS AFTER THE CONTRACTOR'S RECEIPT OF PAYMENT FROM THE CITY. BEGINNING WITH THE SECOND PAY REQUEST FROM THE CONTRACTOR TO THE CITY, THE CONTRACTOR SHALL PROVIDE THE CITY WITH EVIDENCE THAT ALL SUBCONTRACTORS HAVE BEEN DULY PAID OUT OF THE PROCEEDS OF THE PRIOR PAYMENT WHICH THE CONTRACTOR RECEIVED FROM THE CITY, UNLESS A BONA FIDE DISPUTE, DOCUMENTED IN WRITING, EXISTS BETWEEN THE CONTRACTOR AND THE UNPAID SUBCONTRACTOR.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved June 18, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 220

(Council Bill No. 453)

AN ORDINANCE concerning

ZONING CODE - CONVERSION OF DWELLINGS

FOR the purpose of requiring approval by the Board of Municipal and Zoning Appeals before single-family or two-family dwellings can be converted to house a larger number of families and revising the bulk regulations for dwellings converted to two family dwellings.

BY repeal and reordaining with amendments

Article 30 - Zoning

Section 2.0-12, 4.0-2a-3

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 30 - ZONING

Chapter 2 - General Provisions

2.0-12 Conversion of dwellings.

a. [Notwithstanding the bulk regulations in each district, in a B-1, B-2, B-3, B-4, B-5, R-8, R-9, R-10, O-R-2, O-R-3, or O-R-4 District, no building now or hereafter used as a one or two-family dwelling shall hereafter be altered or changed to be used for occupancy by more than two families] In all [other] districts no building now or hereafter used as a one-family dwelling shall hereafter be altered or changed to be used for occupancy by more than one family, and no building now or hereafter used as a two-family dwelling shall hereafter be altered or changed to be used for occupancy by more than two families. For the purpose of this paragraph, an empty building shall be considered as a one-family dwelling unless it was last lawfully used as a dwelling for two or more families in compliance with the normal bulk requirements of the district in which it is located.

b. However, the Board may authorize, [in a B-1, B-2, B-3, B-4, B-5, R-8, R-9, R-10, O-R-2, O-R-3, or O-R-4 District] as a Conditional Use[, conversion of a building used as a one or two-family dwelling for use by more than two families, and] in all [other] districts, the conversion of a building for use by more than one family, provided that the number of families permitted is in conformity with the applicable bulk regulations for the district in which the building is located.

c. In considering applications under this section, the following procedures shall be applicable in addition to those provisions and standards set forth in Sections 11.0-3c and 11.0-5a of this ordinance:

1. Plats and construction and floor plans adequate for review shall be submitted to the Department of Housing and Community Development at the time application is filed;
2. The Department of Housing and Community Development shall file a written advisory recommendation with the Board, except that the Board may proceed without such recommendation if said Department fails to submit its recommendation within three weeks after plans have been submitted to it by the applicant; and
3. The Department of Planning shall file a written advisory recommendation with the Board as to the effect of the proposed conversion on the neighborhood, except that the Board may proceed without such recommendation if said Department fails to submit its recommendation within three weeks of the date requested by the Board.

Chapter 4 - Residence Districts

4.0-2 Bulk Regulations

As follows, and as set forth under each district in Part B of this Chapter.

a. Lot Area and Coverage.

3. In General Residence Districts, the maximum number of permitted dwelling units on a lot is determined by dividing the total area of the lot by the lot area requirement applicable in each district. However, ON LOTS WITH 3 OR MORE DWELLING UNITS a fraction of the total area that is 50 percent or more of the required lot area factor shall count as an additional permitted dwelling unit.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Ord. No. 221

Approved June 18, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 221

(Council Bill No. 468)

AN ORDINANCE concerning

ADMISSIONS AND AMUSEMENT TAX

FOR the purpose of providing that the admissions tax for certain single-screen theaters shall be 5 percent of gross receipts.

BY repealing and reordaining with amendments

Article 28 - Taxes

Subtitle - Admissions and Amusement Tax

Section 74(a)

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 28 - TAXES

Admissions and Amusement Tax

74. Provisions.

(a) Except as otherwise provided in this subsection, there is levied and imposed a tax at the rate of 10 percent of the gross receipts derived from any admissions and amusement charge as defined in Section 4-101(b) of the Tax - General Article of the Annotated Code of Maryland, as amended or recodified from time to time. For any theater included on the National Register of Historic Places, the rate shall be 5 percent of the gross receipts AND FOR ANY SINGLE-SCREEN MOVIE THEATER THAT ~~OBTAINS~~ RENTS OR LEASES ITS MOTION PICTURE FILM

THROUGH COMMERCIAL DISTRIBUTION, THE RATE SHALL BE 5 PERCENT OF THE GROSS RECEIPTS.

SEC. 2. AND BE IT FURTHER ORDAINED, That a copy of this ordinance be sent to the Maryland State Comptroller's Office.

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on ~~the 30th day after the date of its enactment,~~ September 1, 1993.

Approved June 18, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 222

(Council Bill No. 41)

AN ORDINANCE concerning

ASSAULTS ON ELDERLY

FOR the purpose of providing mandatory imprisonment for criminal defendants found guilty of assaults on elderly persons; providing that anyone found guilty of such assault may be ordered to pay restitution to the elderly victim; and defining certain terms.

BY adding

Article 19 - Police Ordinance

Section 3A to be under the new subtitle "Assaults on Elderly"

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 19 - POLICE ORDINANCES

ASSAULTS ON ELDERLY

3A. ASSAULTS ON ELDERLY.

(A) WHEN A DEFENDANT IS FOUND GUILTY OF ASSAULT OR ASSAULT AND BATTERY ON AN ELDERLY INDIVIDUAL AND THE DEFENDANT IS CHARGED UNDER THIS SECTION, THE COURT SHALL IMPOSE A SENTENCE OF 12 MONTHS IMPRISONMENT. THE COURT MAY ORDER RESTITUTION FOR ANY PERSONAL INJURY OR PROPERTY DAMAGE SUFFERED BY THE ELDERLY INDIVIDUAL.

(B) "ELDERLY INDIVIDUAL" MEANS ANY INDIVIDUAL WHO OR IS 65 YEARS OR OLDER.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved June 22, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 223

(Council Bill No. 498)

AN ORDINANCE concerning

BALTIMORE CITY LANDMARK LIST -
ORCHARD STREET CHURCH

FOR the purpose of designating the Orchard Street Church as a historical landmark.

BY adding

Article 1 - Mayor, City Council, and Municipal Agencies
Subtitle - Commission for Historical and Architectural Preservation
Section 40(ff)(97)
Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 1 - MAYOR, CITY COUNCIL, AND MUNICIPAL AGENCIES

Commission for Historical and Architectural Preservation

(ff) Landmark List. The following structures, having been approved by the Planning Commission, are hereby declared to be historical or architectural landmark:

(97) ORCHARD STREET CHURCH, 510 ORCHARD STREET.

BEGINNING FOR THE SAME AT THE POINT FORMED BY THE INTERSECTION OF THE NORTHWEST SIDE OF ORCHARD STREET, AS NOW LAID OUT 60 FEET WIDE, AND THE DIVISION LINE BETWEEN THE PARCEL OF LAND KNOWN AS LOT 1CR AND THE PARCEL OF LAND ADJOINING ON THE NORTHEAST THEREOF KNOWN AS LOT 1A, ALL AS SHOWN ON A PLAT ENTITLED "AMENDED ORCHARD-BIDDLE NEIGHBORHOOD DEVELOPMENT PROGRAM FINAL SUBDIVISION PLAN" AND RECORDED AMONG THE PLAT RECORDS OF BALTIMORE CITY IN PLAT RECORD R.H.B. NO. 2514 ON MAY 7, 1976, AND RUNNING THENCE BINDING ON THE NORTHWEST SIDE OF SAID ORCHARD STREET, SOUTH 43°32'30" WEST 96.01 FEET TO THE DIVISION LINE BETWEEN THE PARCEL OF LAND KNOWN AS LOT 1BR AND THE PARCEL OF LAND ADJOINING ON THE SOUTHWEST THEREOF KNOWN AS LOT 1A, ALL AS SHOWN ON SAID FINAL SUBDIVISION PLAN; THENCE BINDING ON LAST SAID DIVISION LINE BETWEEN SAID LOT 1BR AND LOT 1A, NORTH 43°47'30" WEST 64.00 FEET TO ANOTHER DIVISION LINE BETWEEN SAID LOT 1BR AND LOT 1A; THENCE BINDING ON LAST SAID DIVISION LINE BETWEEN SAID LOT 1BR AND LOT 1A AND PARALLEL WITH SAID ORCHARD STREET NORTH 43°32'30" EAST 12.33 FEET TO THE DIVISION LINE BETWEEN SAID LOT 1CR AND SAID LOT 1A; THENCE BINDING ON LAST SAID DIVISION LINE BETWEEN SAID LOT 1CR AND LOT 1A, NORTH 43°47'30" WEST 61.10 FEET; THENCE BINDING ON ANOTHER DIVISION LINE BETWEEN SAID LOT 1CR AND SAID LOT 1A AND PARALLEL WITH SAID ORCHARD STREET, NORTH 43°32'30" EAST 83.68 FEET TO THE DIVISION LINE BETWEEN SAID LOT 1CR AND SAID LOT 1A MENTIONED FIRSTLY HEREIN AND

Ord. No. 223A

THENCE BINDING ON THE DIVISION LINE BETWEEN SAID LOT 1CR
AND SAID LOT 1A MENTIONED FIRSTLY HEREIN, SOUTH 43°47'30"
EAST 125.10 FEET TO THE PLACE OF BEGINNING.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance
shall take effect on the 30th day after the date of its enactment.

Approved June 22, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 223A

(Council Bill No. 409)

AN ORDINANCE concerning

FARMERS' MARKET - FEES

FOR the purpose of freezing the aggregate amount of fees and other
charges imposed by the City on a non-profit community
organization for the operation of a farmers' market, and
authorizing suspension of the operation of parking meters under
certain conditions.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY
COUNCIL OF BALTIMORE, That:

(a) The total amount of fees and other charges imposed by
the City and its agencies on any non-profit community organization for
the operation of a farmers' market during a fiscal year may not exceed
in aggregate the total amount of fees and other charges imposed by the
city and its agencies for the operation of the farmers' market during the
fiscal year 1992.

(b) The Director of Public Works is authorized and
empowered to suspend the operation of parking meters within a
defined, appropriate area when application for suspension is made by a
non-profit community organization for the purpose of operating a
farmers' market.

No charge shall be imposed upon the community association or the farmers' market for the suspension.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

This bill became law on June 22, 1993 without the Mayor's signature.

CITY OF BALTIMORE

ORDINANCE NO. 224

(Council Bill No. 417)

AN ORDINANCE concerning

AMENDING ORDINANCE NO. 323
ZONING - CONDITIONAL USE

FOR the purpose of amending Ordinance No. 323, approved June 30, 1989, which authorized a conditional use for an incinerator, by amending the conditions provided for in Section 2, and making this ordinance contingent upon disposal of the ash from the incinerator at a disposal site outside of the City and a cessation of legal action against the City.

BY amending Section 2, adding a new Section 5, and making other technical changes to Ordinance No. 323 of the Mayor and City Council of Baltimore, approved by the Mayor, June 30, 1989.

WHEREAS, By letter dated June 11, 1993, the President and the Chairman of the Board of Medical Waste Associates, Inc. agreed to not seek amendments to this ordinance which would affect the geographic scope of the ordinance or which would affect the permit conditions of the incinerator; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Ordinance No. 323, approved June 30, 1989, be and it is hereby amended to read as follows:

"SEC. 2. AND BE IT FURTHER ORDAINED, That the use of the incinerator, INCLUDING TESTING AND ANY USE UNDER ANY RECIPROCAL AGREEMENT WITH ANY OTHER WASTE DISPOSAL SITE OR INCINERATOR, will be restricted to facilities located within the following political subdivisions participating in the Northeast Maryland Waste Disposal Authority: Baltimore City, Baltimore County, Anne Arundel County, [and] Harford County, MONTGOMERY COUNTY; AND PRINCE GEORGES COUNTY, CARROLL COUNTY, AND HOWARD COUNTY.

SEC. [3] 4

SEC. 5. AND BE IT FURTHER ORDAINED, THAT IF ANY SECTION OR SUBSECTION OF THIS ORDINANCE IS RULED VOID FOR ANY REASON, THEN SAID VOIDNESS SHALL BE DEEMED TO AFFECT THIS ENTIRE ORDINANCE AND THIS ORDINANCE SHALL BE DEEMED TO BE VOID IN ITS ENTIRETY AND CONFER NO RIGHTS UPON THE OWNERS AND/OR OPERATORS OF THE INCINERATOR.

SEC. [4] 6"

SEC. 2. AND BE IT FURTHER ORDAINED, That the passage of this ordinance is contingent upon: (1) the ash from the medical incinerator shall be disposed of at a site outside of the City limits; and (2) Medical Waste Associates, Inc. shall not legally challenge the provisions of Ordinance 323 or of this City Council Bill 417 when enacted.

SEC. 3. AND BE IT FURTHER ORDAINED, That within the area added by this Ordinance (Montgomery County, Prince Georges County, Carroll County, and Howard County) medical facilities or any other facility served by this medical waste incinerator shall not serve as a pass through or medical waste transfer facility for any medical waste generated outside of the area added by this Ordinance.

SEC. 2 4. AND BE IT FURTHER ORDAINED, That, subject to the provisions of Section 2 above, this Ordinance shall take effect on the date of its enactment.

Approved June 27, 1993

KURT L. SCHMOKE, Mayor

ENROLLED COPY
CITY OF BALTIMORE
ORDINANCE NO. 225
(Council Bill No. 572)

AN ORDINANCE concerning

TO LEVY AND COLLECT A TAX

FOR the use of the Mayor and City Council of Baltimore for the period of July 1, 1993 through June 30, 1994.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That for the period July 1, 1993 through June 30, 1994, a tax of ~~\$5.85~~ \$5.90 be and the same is hereby levied and imposed on every \$100 of assessed or assessable value of property in the City of Baltimore (excepting such property as may by provisions of law be exempted from this rate) for the use of the Mayor and City Council of Baltimore, and said tax shall be collected and paid in the manner prescribed by law.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved June 28, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE
ORDINANCE NO. 226
(Council Bill No. 621)

ORDINANCE OF ESTIMATES FOR THE FISCAL YEAR
ENDING JUNE 30, 1994

FOR the purpose of providing the appropriations estimated to be needed by each agency of the City of Baltimore for operating programs and capital projects during the fiscal 1994 year.

BY authority of

Article VI - Board of Estimates

Section 2

Baltimore City Charter (1964 Revision as amended)

WHEREAS, CITY COUNCIL Bill No. 571, the Ordinance of Estimates for fiscal year ending June 30, 1994, was passed by the City Council on June 21, 1993, and subsequently certified to the Board of Estimates; and

WHEREAS, The Mayor vetoed City Council Bill No. 571 on June 21, 1993, and in a veto message to the City Council stated that the bill failed to adequately provide for matters of public safety; and

WHEREAS, City Council Bill No. 571 reduced the General Fund Capital budget by an amount of \$4.2 million which may impair the City's financial standing; and

WHEREAS, The City Charter requires the fiscal budget to begin on July 1 of each year, to provide for necessary appropriations for the orderly continuance of government, it becomes necessary to submit a new Ordinance of Estimates for consideration by the City Council; now, therefore

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following amounts or so much thereof as shall be sufficient are hereby appropriated subject to the provisions hereinafter set forth for the purpose of carrying out the programs included in the operating budget and the projects listed in the capital budget from the amounts estimated to be available in the designated funds during the fiscal year ending June 30, 1994.

A. OPERATING BUDGET

CIVIL SERVICE COMMISSION

160 PERSONNEL ADMINISTRATION

General Fund Appropriation	\$	1,909,971
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COMMUNITY RELATIONS COMMISSION

156 DEVELOPMENT OF INTERGROUP RELATIONS

General Fund Appropriation	\$	825,749
Federal Fund Appropriation	\$	75,500

COMPTROLLER, DEPARTMENT OF

130 EXECUTIVE DIRECTION AND CONTROL		
General Fund Appropriation	\$	432,478
131 AUDITS		
General Fund Appropriation	\$	1,511,836
Special Fund Appropriation	\$	255,504
132 REAL ESTATE ACQUISITION AND MANAGEMENT		
General Fund Appropriation	\$	594,788
135 INSURANCE ON CITY FACILITIES		
General Fund Appropriation	\$	52,809
596 MANAGEMENT OF LEASED PROPERTIES		
General Fund Appropriation	\$	1,301,101

COUNCIL, CITY

100 CITY LEGISLATION		
General Fund Appropriation	\$	2,913,645

COUNCILMANIC SERVICES, OFFICE OF

103 COUNCILMANIC SERVICES		
General Fund Appropriation	\$	304,258

COURTS

110 CIRCUIT COURT		
General Fund Appropriation	\$	6,429,307
Federal Fund Appropriation	\$	389,014
State Fund Appropriation	\$	615,248
112 ORPHANS' COURT		
General Fund Appropriation	\$	303,292

EDUCATION, DEPARTMENT OF

728 BOARD OF SCHOOL COMMISSIONERS		
Education Fund Appropriation	\$	329,077

729 OFFICE OF THE SUPERINTENDENT		
Education Fund Appropriation	\$	1,696,511
Federal Fund Appropriation	\$	186,278
Special Fund Appropriation	\$	57,741
732 CURRICULUM AND INSTRUCTION		
Education Fund Appropriation	\$	5,538,414
Federal Fund Appropriation	\$	4,479,238
State Fund Appropriation	\$	251,330
Special Fund Appropriation	\$	71,283
741 AREA SCHOOL SERVICES		
Education Fund Appropriation	\$	1,535,566
743 GENERAL INSTRUCTION		
Education Fund Appropriation	\$	239,969,712
Federal Fund Appropriation	\$	38,237,827
State Fund Appropriation	\$	12,418,800
Special Fund Appropriation	\$	993,713
744 OTHER INSTRUCTIONAL SERVICES		
Education Fund Appropriation	\$	10,396,711
Federal Fund Appropriation	\$	732,899
State Fund Appropriation	\$	1,546,262
Special Fund Appropriation	\$	29,968
746 SCHOOL SOCIAL WORK SERVICES		
Education Fund Appropriation	\$	2,770,798
Federal Fund Appropriation	\$	222,798
State Fund Appropriation	\$	458,958
Special Fund Appropriation	\$	238,463
751 SPECIAL EDUCATION AND PUPIL SERVICES		
Education Fund Appropriation	\$	3,791,778
Federal Fund Appropriation	\$	1,540,478
Special Fund Appropriation	\$	60,000
753 COMPENSATORY PROGRAMS		
Education Fund Appropriation	\$	128,818
Federal Fund Appropriation	\$	1,157,948
State Fund Appropriation	\$	335,252
754 CAREER AND TECHNOLOGY INSTRUCTION		
Education Fund Appropriation	\$	14,058,415

Federal Fund Appropriation	\$	2,571,361
State Fund Appropriation	\$	752,012
755 ADULT/ALTERNATIVE INSTRUCTION		
Education Fund Appropriation	\$	7,856,083
Federal Fund Appropriation	\$	725,759
State Fund Appropriation	\$	81,863
756 SPECIAL INSTRUCTION		
Education Fund Appropriation	\$	106,698,714
Federal Fund Appropriation	\$	4,714,753
State Fund Appropriation	\$	451,488
Special Fund Appropriation	\$	66,000
757 SPECIAL CAREER AND TECHNOLOGY INSTRUCTION		
Education Fund Appropriation	\$	5,073,216
Federal Fund Appropriation	\$	366,861
State Fund Appropriation	\$	52,372
758 GIFTED AND TALENTED INSTRUCTION		
Education Fund Appropriation	\$	2,555,943
Federal Fund Appropriation	\$	64,600
State Fund Appropriation	\$	1,000,000
761 LOGISTICAL SERVICES		
Education Fund Appropriation	\$	1,298,139
762 FOOD SERVICES		
Education Fund Appropriation	\$	73,900
Federal Fund Appropriation	\$	19,379,649
State Fund Appropriation	\$	1,519,000
Special Fund Appropriation	\$	4,700,000
763 FISCAL MANAGEMENT		
Education Fund Appropriation	\$	921,042
Federal Fund Appropriation	\$	531,079
Special Fund Appropriation	\$	1,495
764 TRANSPORTATION		
Motor Vehicle Fund Appropriation	\$	3,654,000
Education Fund Appropriation	\$	14,006,423
Federal Fund Appropriation	\$	708,000
State Fund Appropriation	\$	7,835,036
Special Fund Appropriation	\$	5,000

765 PROCUREMENT

Education Fund Appropriation	\$	1,451,976
Federal Fund Appropriation	\$	402,753
Special Fund Appropriation	\$	2,068

767 FACILITIES

Education Fund Appropriation	\$	64,145,539
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768 SCHOOL POLICE

Education Fund Appropriation	\$	5,144,423
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769 HUMAN RESOURCES

Education Fund Appropriation	\$	2,416,041
Federal Fund Appropriation	\$	549,695
State Fund Appropriation	\$	63,964
Special Fund Appropriation	\$	2,533

780 EXTERNAL RELATIONS

Education Fund Appropriation	\$	1,761,187
Federal Fund Appropriation	\$	195,652

781 PLANNING AND STRATEGIC BUDGETING

Education Fund Appropriation	\$	755,147
Federal Fund Appropriation	\$	104,371
Special Fund Appropriation	\$	536

782 ACCOUNTABILITY, ASSESSMENT, RESEARCH,
AND EVALUATION

Education Fund Appropriation	\$	1,261,599
Federal Fund Appropriation	\$	485,414
Special Fund Appropriation	\$	65,490

783 MANAGEMENT INFORMATION SYSTEMS

Education Fund Appropriation	\$	4,466,521
Federal Fund Appropriation	\$	895,287
Special Fund Appropriation	\$	21,710

784 STAFF DEVELOPMENT

Education Fund Appropriation	\$	1,536,307
Federal Fund Appropriation	\$	441,300
State Fund Appropriation	\$	109,663

ELECTIONS, SUPERVISORS OF

180 VOTER REGISTRATION AND
CONDUCT OF ELECTIONS

General Fund Appropriation \$ 2,071,424

FINANCE, DEPARTMENT OF

140 ADMINISTRATIVE DIRECTION AND CONTROL

General Fund Appropriation \$ 414,673

141 BUDGET AND MANAGEMENT RESEARCH

General Fund Appropriation \$ 1,188,280

144 PURCHASING

General Fund Appropriation \$ 3,824,288

147 MANAGEMENT INFORMATION SERVICES

General Fund Appropriation \$ 4,053,869

148 BUREAU OF ACCOUNTING OPERATIONS

General Fund Appropriation \$ 2,537,711

Loan & Guarantee Enterprise

Fund Appropriation \$ 3,396,463

150 TREASURY MANAGEMENT

General Fund Appropriation \$ 1,275,142

FIRE, DEPARTMENT OF

210 ADMINISTRATIVE DIRECTION AND CONTROL

General Fund Appropriation \$ 1,115,196

211 TRAINING

General Fund Appropriation \$ 612,894

212 FIRE SUPPRESSION

General Fund Appropriation \$ 73,452,983

213 FIRE PREVENTION

General Fund Appropriation \$ 1,866,233

214 SUPPORT SERVICES

General Fund Appropriation	\$	3,530,081
State Fund Appropriation	\$	540,000

215 FIRE ALARM AND COMMUNICATIONS

General Fund Appropriation	\$	3,090,459
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219 NON-ACTUARIAL RETIREMENT BENEFITS

General Fund Appropriation	\$	1,036,000
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319 AMBULANCE SERVICE

General Fund Appropriation	\$	7,459,404
Special Fund Appropriation	\$	1,090,014

HEALTH, DEPARTMENT OF

240 ANIMAL CONTROL

General Fund Appropriation	\$	1,273,289
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300 ADMINISTRATIVE DIRECTION AND CONTROL

General Fund Appropriation	\$	2,873,806
Federal Fund Appropriation	\$	83,666
State Fund Appropriation	\$	16,023

302 ENVIRONMENTAL HEALTH

General Fund Appropriation	\$	1,682,484
Federal Fund Appropriation	\$	356,543
State Fund Appropriation	\$	80,438

303 SPECIAL PURPOSE GRANTS

General Fund Appropriation	\$	231,502
Federal Fund Appropriation	\$	429,603
State Fund Appropriation	\$	1,588,500
Special Fund Appropriation	\$	430,750

304 CLINICAL SERVICES

General Fund Appropriation	\$	2,464,510
Federal Fund Appropriation	\$	39,953,232
State Fund Appropriation	\$	542,234
Special Fund Appropriation	\$	76,000

305 MATERNAL AND INFANT SERVICES

General Fund Appropriation	\$	1,560,810
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	Federal Fund Appropriation	\$	12,749,051
	State Fund Appropriation	\$	495,435
306	GENERAL NURSING SERVICES		
	General Fund Appropriation	\$	908,510
	State Fund Appropriation	\$	821,200
307	MENTAL HEALTH SERVICES		
	General Fund Appropriation	\$	1,149,953
	Federal Fund Appropriation	\$	38,138,583
	State Fund Appropriation	\$	323,329
308	CHILD, ADOLESCENT, AND FAMILY HEALTH		
	General Fund Appropriation	\$	552,969
	Federal Fund Appropriation	\$	6,534,131
	State Fund Appropriation	\$	1,160,538
	Special Fund Appropriation	\$	51,600
310	SCHOOL HEALTH SERVICES		
	General Fund Appropriation	\$	4,051,122
	Federal Fund Appropriation	\$	4,006,470
	State Fund Appropriation	\$	2,471,887
311	HEALTH SERVICES FOR THE AGING		
	General Fund Appropriation	\$	272,877
	Federal Fund Appropriation	\$	3,944,972
	Special Fund Appropriation	\$	15,000
HOUSING AND COMMUNITY DEVELOPMENT, DEPARTMENT OF			
177	ADMINISTRATIVE DIRECTION AND CONTROL		
	General Fund Appropriation	\$	1,970,432
	Federal Fund Appropriation	\$	933,348
	State Fund Appropriation	\$	167,222
181	NEIGHBORHOOD HUBS		
	General Fund Appropriation	\$	317,700
	Federal Fund Appropriation	\$	2,301,900
	State Fund Appropriation	\$	2,272,274
184	ENERGY ASSISTANCE AND EMERGENCY FOOD		
	General Fund Appropriation	\$	114,831
	State Fund Appropriation	\$	10,921,130

260 CONSTRUCTION AND BUILDING INSPECTION

General Fund Appropriation	\$	2,683,814
Federal Fund Appropriation	\$	768,445

570 PRESERVATION OF HISTORIC PLACES

General Fund Appropriation	\$	211,767
Federal Fund Appropriation	\$	30,939

582 FINANCE AND DEVELOPMENT

General Fund Appropriation	\$	1,109,654
Federal Fund Appropriation	\$	2,153,070

583 NEIGHBORHOOD SERVICES

General Fund Appropriation	\$	6,077,788
Federal Fund Appropriation	\$	2,008,314
State Fund Appropriation	\$	55,278

585 BALTIMORE DEVELOPMENT CORPORATION

General Fund Appropriation	\$	2,123,260
Federal Fund Appropriation	\$	400,000
Special Fund Appropriation	\$	382,050

593 COMMUNITY SUPPORT PROJECTS

General Fund Appropriation	\$	100,000
Federal Fund Appropriation	\$	10,515,050
State Fund Appropriation	\$	1,645,000

597 WEATHERIZATION

State Fund Appropriation	\$	2,449,123
Special Fund Appropriation	\$	93,000

604 CHILD CARE CENTERS

General Fund Appropriation	\$	1,396,790
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605 HEAD START

Federal Fund Appropriation	\$	9,906,570
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606 ARTS AND EDUCATION

Federal Fund Appropriation	\$	419,786
State Fund Appropriation	\$	78,610

LAW, DEPARTMENT OF

175 LEGAL SERVICES

General Fund Appropriation	\$	5,367,471
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LEGISLATIVE REFERENCE, DEPARTMENT OF

106 LEGISLATIVE REFERENCE SERVICES

General Fund Appropriation	\$	340,010
Special Fund Appropriation	\$	81,518

107 ARCHIVES AND RECORDS MANAGEMENT

General Fund Appropriation	\$	245,993
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LIBRARY, ENOCH PRATT FREE

450 ADMINISTRATIVE AND TECHNICAL SERVICES

General Fund Appropriation	\$	349,848
State Fund Appropriation	\$	45,000
Special Fund Appropriation	\$	64,616

452 EXTENSION SERVICES

General Fund Appropriation	\$	8,543,283
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453 STATE LIBRARY RESOURCE CENTER

General Fund Appropriation	\$	5,734,688
State Fund Appropriation	\$	3,659,196

LIQUOR LICENSE COMMISSIONERS, BOARD OF

250 LIQUOR CONTROL

General Fund Appropriation	\$	1,055,565
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MAYORALTY

125 EXECUTIVE DIRECTION AND CONTROL

General Fund Appropriation	\$	2,854,014
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127 TASK FORCE FOR LIAISON
WITH GENERAL ASSEMBLY

General Fund Appropriation	\$	394,611
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350 OFFICE OF CHILDREN AND YOUTH

General Fund Appropriation	\$	237,069
State Fund Appropriation	\$	110,500

599 OFFICE OF INTERNATIONAL PROGRAMS

General Fund Appropriation	\$	168,353
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MAYORALTY-RELATED

492	PROMOTION OF ART AND CULTURE		
	General Fund Appropriation	\$	528,378
	Federal Fund Appropriation	\$	12,500
	State Fund Appropriation	\$	44,679
	Special Fund Appropriation	\$	170,746
493	ART AND CULTURE GRANTS		
	General Fund Appropriation	\$	4,622,254
572	CABLE AND COMMUNICATIONS COORDINATION		
	General Fund Appropriation	\$	605,183
590	CIVIC PROMOTION		
	General Fund Appropriation	\$	4,107,150
120	PROMOTION OF EQUAL RIGHTS FOR WOMEN		
	General Fund Appropriation	\$	185,123
	Special Fund Appropriation	\$	8,376
324	AGING AND RETIREMENT EDUCATION		
	General Fund Appropriation	\$	738,811
	Motor Vehicle Fund Appropriation	\$	391,000
	Federal Fund Appropriation	\$	5,820,837
	State Fund Appropriation	\$	2,954,017
	Special Fund Appropriation	\$	92,000
129	CONDITIONAL PURCHASE		
	AGREEMENT PAYMENTS		
	General Fund Appropriation	\$	9,978,917
	Loan & Guarantee Enterprise		
	Fund Appropriation	\$	273,416
121	CONTINGENT FUND		
	General Fund Appropriation	\$	1,000,000
531	CONVENTION CENTER OPERATIONS		
	General Fund Appropriation	\$	5,029,022
540	BALTIMORE ARENA OPERATIONS		
	General Fund Appropriation	\$	650,000

224 MAYOR'S COORDINATING COUNCIL ON CRIMINAL JUSTICE		
General Fund Appropriation	\$	339,229
Federal Fund Appropriation	\$	509,213
Special Fund Appropriation	\$	296,500
123 GENERAL DEBT SERVICE		
General Fund Appropriation	\$	51,142,107
Motor Vehicle Fund Appropriation . .	\$	20,871,273
446 EDUCATIONAL GRANTS		
General Fund Appropriation	\$	1,309,699
385 HEALTH AND WELFARE GRANTS		
General Fund Appropriation	\$	118,023
128 LABOR RELATIONS		
General Fund Appropriation	\$	342,294
352 LOCAL SHARE TO CITY SCHOOLS		
General Fund Appropriation	\$	187,000,000
122 MISCELLANEOUS GENERAL EXPENSES		
General Fund Appropriation	\$	6,566,591
538 MUNICIPAL MARKETS ADMINISTRATION		
General Fund Appropriation	\$	1,756,460
630 ADMINISTRATION (TITLE I)		
General Fund Appropriation	\$	145,661
631 JOB TRAINING PARTNERSHIP (TITLES II AND III)		
Federal Fund Appropriation	\$	16,815,000
639 SPECIAL SERVICES		
General Fund Appropriation	\$	1,023,795
Federal Fund Appropriation	\$	11,756,766
State Fund Appropriation	\$	4,050,645
351 RETIREES' HEALTH BENEFITS		
General Fund Appropriation	\$	33,598,420

126 CONTRIBUTION TO SELF-INSURANCE FUND

General Fund Appropriation	\$	16,504,095
Motor Vehicle Fund Appropriation	\$	3,281,330

MUSEUM OF ART

489 OPERATION OF MUSEUM OF ART

General Fund Appropriation	\$	2,909,917
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OCCUPATIONAL MEDICINE AND SAFETY,
OFFICE OF

167 OCCUPATIONAL MEDICINE AND SAFETY

General Fund Appropriation	\$	856,773
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PLANNING, DEPARTMENT OF

187 CITY PLANNING

General Fund Appropriation	\$	1,798,551
Motor Vehicle Fund Appropriation	\$	915,211
Federal Fund Appropriation	\$	460,000
State Fund Appropriation	\$	57,000

POLICE, DEPARTMENT OF

200 ADMINISTRATIVE DIRECTION AND CONTROL

General Fund Appropriation	\$	10,462,604
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201 GENERAL PATROL

General Fund Appropriation	\$	102,124,513
State Fund Appropriation	\$	4,300,000

202 INVESTIGATIONS

General Fund Appropriation	\$	16,144,000
Federal Fund Appropriation	\$	145,000
Special Fund Appropriation	\$	355,000

203 TRAFFIC

Motor Vehicle Fund Appropriation	\$	8,699,154
Federal Fund Appropriation	\$	30,000
State Fund Appropriation	\$	50,000

204	SERVICES BUREAU		
	General Fund Appropriation	\$	18,797,321
	Special Fund Appropriation	\$	1,640,000
205	NON-ACTUARIAL RETIREMENT BENEFITS		
	General Fund Appropriation	\$	10,114,397
207	SPECIAL OPERATIONS		
	General Fund Appropriation	\$	18,344,508
PUBLIC WORKS, DEPARTMENT OF			
190	ADMINISTRATIVE DIRECTION AND CONTROL		
	General Fund Appropriation	\$	749,547
192	GENERAL SERVICES ADMINISTRATION		
	General Fund Appropriation	\$	89,925
193	BUILDING MANAGEMENT		
	General Fund Appropriation	\$	13,751,512
195	TOWING		
	General Fund Appropriation	\$	426,998
	Motor Vehicle Fund Appropriation . .	\$	4,305,703
	State Fund Appropriation	\$	18,240
198	BUILDING ENGINEERING		
	General Fund Appropriation	\$	335,325
230	ADMINISTRATIVE DIRECTION AND CONTROL		
	Motor Vehicle Fund Appropriation . .	\$	5,123,182
	Federal Fund Appropriation	\$	100,000
231	TRAFFIC ENGINEERING		
	Motor Vehicle Fund Appropriation . .	\$	2,116,674
232	PARKING MANAGEMENT		
	Parking Management		
	Fund Appropriation	\$	3,818,175
	Federal Fund Appropriation	\$	119,962
233	TRAFFIC SIGNS AND STREET MARKINGS		
	Motor Vehicle Fund Appropriation . .	\$	4,241,244
	State Fund Appropriation	\$	12,765

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234	CONSTRUCTION AND MAINTENENCE OF TRAFFIC SIGNALS		
	Motor Vehicle Fund Appropriation . \$		4,429,843
235	PARKING ENFORCEMENT		
	Parking Management		
	Fund Appropriation \$		3,757,568
239	TRAFFIC OPERATIONS		
	General Fund Appropriation \$		183,064
	Motor Vehicle Fund Appropriation . \$		2,281,669
500	STREET LIGHTING		
	Motor Vehicle Fund Appropriation . \$		15,519,919
501	PUBLIC STREETS, BRIDGES, AND HIGHWAYS		
	Motor Vehicle Fund Appropriation . \$		25,208,845
503	HIGHWAY ADMINISTRATION AND ENGINEERING		
	General Fund Appropriation \$		879,195
	Motor Vehicle Fund Appropriation . \$		396,045
515	SOLID WASTE COLLECTION		
	General Fund Appropriation \$		16,437,373
	Motor Vehicle Fund Appropriation . \$		16,485,222
516	SOLID WASTE DISPOSAL		
	General Fund Appropriation \$		21,500,070
	Motor Vehicle Fund Appropriation . \$		1,441,055
518	MAINTENANCE AND REPAIR		
	OF STORM WATER SYSTEMS		
	General Fund Appropriation \$		553,390
	Motor Vehicle Fund Appropriation . \$		4,226,590
519	SOLID WASTE ENGINEERING		
	AND STORM WATER MANAGEMENT		
	General Fund Appropriation \$		206,939
	Motor Vehicle Fund Appropriation . \$		782,590
544	MAINTENANCE AND REPAIR		
	OF SANITARY SYSTEMS		
	Waste Water Utility		
	Fund Appropriation \$		8,944,085

546	WATER DISTRIBUTION, WATER METERS, AND INVESTIGATION		
	Water Utility Fund Appropriation ..	\$	17,844,457
548	CONDUITS		
	General Fund Appropriation	\$	1,795,229
550	WASTE WATER FACILITIES		
	Waste Water Utility		
	Fund Appropriation	\$	61,576,260
552	WATER FACILITIES		
	Water Utility Fund Appropriation ..	\$	18,903,199
553	WATER ENGINEERING AND ADMINISTRATION		
	Water Utility Fund Appropriation ..	\$	6,291,612
554	WASTE WATER ADMINISTRATION AND ENGINEERING		
	Waste Water Utility		
	Fund Appropriation	\$	9,036,165
555	ENVIRONMENTAL SERVICES DIVISION		
	Waste Water Utility		
	Fund Appropriation	\$	2,137,757
	Water Utility Fund Appropriation ..	\$	308,559
560	FACILITIES ENGINEERING		
	Waste Water Utility		
	Fund Appropriation	\$	402,348
	Water Utility Fund Appropriation ..	\$	159,278
561	UTILITY BILLING		
	Water Utility Fund Appropriation ..	\$	6,449,848
565	UTILITY DEBT SERVICE		
	Waste Water Utility		
	Fund Appropriation	\$	9,281,310
	Water Utility Fund Appropriation ..	\$	10,451,342
580	OFF-STREET PARKING FACILITIES		
	Parking Enterprise		
	Fund Appropriation	\$	12,754,495

RECREATION AND PARKS, DEPARTMENT OF

471 ADMINISTRATIVE DIRECTION AND CONTROL

General Fund Appropriation	\$	1,909,981
State Fund Appropriation	\$	20,299

473 MUNICIPAL CONCERTS
AND OTHER MUSICAL EVENTS

General Fund Appropriation	\$	60,326
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478 GENERAL PARK SERVICES

General Fund Appropriation	\$	12,666,989
State Fund Appropriation	\$	656,743

479 SPECIAL FACILITIES

General Fund Appropriation	\$	2,002,574
Special Fund Appropriation	\$	79,000

480 REGULAR RECREATIONAL SERVICES

General Fund Appropriation	\$	12,662,427
Federal Fund Appropriation	\$	150,000
Special Fund Appropriation	\$	50,000

482 SUPPLEMENTARY RECREATIONAL SERVICES

Federal Fund Appropriation	\$	140,000
Special Fund Appropriation	\$	1,284,893

505 PARK AND STREET TREES

General Fund Appropriation	\$	290,463
Motor Vehicle Fund Appropriation	\$	1,877,717

SHERIFF, OFFICE OF

118 SHERIFF SERVICES

General Fund Appropriation	\$	4,519,191
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SOCIAL SERVICES, DEPARTMENT OF

365 PUBLIC ASSISTANCE

General Fund Appropriation	\$	510,194
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STATE'S ATTORNEY, OFFICE OF

115 PROSECUTION OF CRIMINALS

General Fund Appropriation	\$	11,758,490
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Federal Fund Appropriation	\$	1,011,508
Special Fund Appropriation	\$	83,010

WAGE COMMISSION

165 WAGE ENFORCEMENT

General Fund Appropriation	\$	184,902
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WAR MEMORIAL COMMISSION

487 OPERATION OF WAR MEMORIAL BUILDING

General Fund Appropriation	\$	247,111
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ZONING APPEALS, DEPARTMENT OF MUNICIPAL AND

185 ZONING, TAX, AND OTHER APPEALS

General Fund Appropriation	\$	339,345
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INTERNAL SERVICE FUND AUTHORIZATIONS

Civil Service Commission

160 Personnel Administration

An internal service fund is hereby authorized to provide for the operation of the Unemployment Insurance Function, the costs of which are to be recovered from contributions from various Fund sources.

161 Vision Care Program

An internal service fund is hereby authorized to provide for the operation of an Employee Vision Care Program, the costs of which are to be recovered from contributions from various Fund sources.

Comptroller, Department of

130 Executive Direction and Control

An internal service fund is hereby authorized to provide for the administration of the Municipal Telephone Exchange and the Municipal Post Office, the cost of which is to be recovered from using agencies.

133 Municipal Telephone Exchange

An internal service fund is hereby authorized to provide for operation of a Municipal Telephone Exchange, the costs of which are to be recovered from using agencies.

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136 Municipal Post Office

An internal service fund is hereby authorized to provide for operation of a Municipal Post Office, the costs of which are to be recovered from using agencies.

Finance, Department of

144 Purchasing

An internal service fund is hereby authorized to provide for operation of a Municipal Reproduction and Printing Service, the costs of which are to be recovered from using agencies.

An internal service fund is hereby authorized to provide for Centralized Automotive Parts Warehousing and Inventory, the costs of which are to be recovered from using agencies.

145 Risk Management Services

An internal service fund is hereby authorized to provide for the operation of the Risk Management Office, the costs of which are to be recovered from the Self-Insurance Fund.

148 Bureau of Accounting Operations

An internal service fund is hereby authorized to provide for accounting services of the Mobile Equipment Program, the costs of which are to be recovered from using agencies.

Law, Department of

175 Legal Services

An internal service fund is hereby authorized to provide for a Self-Insurance Program Covering Automotive Equipment, Police Animal Liability and Employee Liability, the costs of which are to be recovered from the Self-Insurance Fund.

Public Works, Department of

189 Motor Equipment Division

An internal service fund is hereby authorized to provide for operation of a Central Automotive and Mechanical Repair Service, the costs of which are to be recovered from using agencies.

190 Administrative Direction and Control

An internal service fund is hereby authorized to provide for the administration of all City contracts for construction or alteration of streets, highways, bridges, public buildings, or other municipal facilities,

the costs of which are to be recovered from capital project appropriations.

198 Building Engineering

An internal service fund is hereby authorized to provide for inspection of construction or alterations of City-owned buildings, the costs of which are to be recovered from capital project appropriations or using agencies.

239 Traffic Operations

An internal service fund is hereby authorized to provide for operation of a City-owned Two-way Radio System, the costs of which are to be recovered from using agencies.

503 Highway Administration and Engineering

An internal service fund is hereby authorized to provide for inspection services of highway construction and reconstruction projects, the costs of which are to be recovered from capital project appropriations.

519 Solid Waste Engineering and Storm Water Management

An internal service fund is hereby authorized to provide for inspection services of solid waste and storm water facility construction or alteration, the costs of which are to be recovered from capital project appropriations.

553 Water Engineering and Administration

An internal service fund is hereby authorized to provide for inspection service for the construction or alteration of the City's water system, the costs of which are to be recovered from capital project appropriations.

560 Facilities Engineering

An internal service fund is hereby authorized to provide for inspection service for Municipal Facilities, the costs of which are to be recovered from capital project appropriations.

B. CAPITAL BUDGET

SEC. 2. AND BE IT FURTHER ORDAINED, That the Capital Improvement Appropriations herein made are for the following Construction Projects provided that the appropriations will be placed in Construction Reserve accounts at the beginning of the fiscal year and transferred by the Board of Estimates to Construction Accounts as project funds are needed.

BALTIMORE DEVELOPMENT CORPORATION

601-459	PORT COVINGTON BUSINESS PARK - DEVELOPMENT		
	City Loan Fund Appropriation . \$	7,500,000	
601-854	ENTERPRISE DEVELOPMENT FUND		
	Mayor and City Council Real Prop. Fund		
	Appropriation \$	500,000	
	Other Special Fund		
	Appropriation \$	219,000	
601-858	FUTURE BALTIMORE DEVELOPMENT PROJECTS		
	City Loan Fund Appropriation . \$	1,000,000	
	Federal Fund Appropriation . . \$	1,500,000	
601-859	DEVELOPMENT PROJECTS - SITE IMPROVEMENTS		
	Mayor and City Council Real Prop.		
	Fund Appropriation \$	3,500,000	
601-860	ECONOMIC DEVELOPMENT INCENTIVES		
	General Fund Appropriation . . \$	1,000,000	
603-100	INNER HARBOR EAST - REDEVELOPMENT		
	State Fund Appropriation \$	3,000,000	
603-106	PRESIDENT STREET STATION - RESTORATION		
	Federal Fund Appropriation . . \$	400,000	
603-108	HARRISON'S WHARF		
	CDBG Loan Fund Appropriation \$	177,000	
603-113	POWER PLANT - CAPITAL MAINTENANCE		
	General Fund Appropriation . . \$	300,000	
603-120	CHRISTOPHER COLUMBUS CENTER - CONSTRUCTION		
	Federal Fund Deappropriation \$	(34,000,000)	
	Industrial Development Authority		
	Fund Appropriation \$	6,680,000	
	State Fund Deappropriation . . \$	(11,100,000)	
603-300	INNER HARBOR I - PUBLIC IMPROVEMENTS		
	Other Special Fund		
	Appropriation \$	500,000	

603-901 DOWNTOWN PARTNERSHIP - IMPROVEMENTS

City Loan Fund Appropriation . \$	1,000,000
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EDUCATION, DEPARTMENT OF

417-111 BALTIMORE PUBLIC SCHOOLS -
SYSTEMIC RENOVATIONS - FY 1994

City Loan Fund Appropriation . \$	4,388,000
State Fund Appropriation \$	7,363,000

418-017 THOMAS JEFFERSON ELEMENTARY SCHOOL 232 -
RENOVATION

City Loan Fund Appropriation . \$	171,000
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418-020 SCHOOL CONSTRUCTION - ASBESTOS REMOVAL

City Loan Fund Appropriation . \$	722,000
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418-114 WINDSOR HILLS ELEMENTARY SCHOOL 87 -
RENOVATION

City Loan Fund Appropriation . \$	248,000
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418-305 GARRETT HEIGHTS ELEMENTARY SCHOOL 212 -
RENOVATION

City Loan Fund Appropriation . \$	304,000
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418-320 CROSS COUNTRY ELEMENTARY SCHOOL 247 -
RENOVATIONS

City Loan Fund Appropriation . \$	167,000
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HEALTH, DEPARTMENT OF

312-002 EASTERN HEALTH FACILITY - EXPANSION

Other Special Fund	
Appropriation \$	31,000

HOUSING AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

588-202 PARK HEIGHTS - COMMUNITY DEVELOPMENT

CDBG Loan Fund Appropriation \$	899,000
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588-234 REISTERSTOWN ROAD - IMPROVEMENTS

City Loan Fund Appropriation . \$	250,000
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588-283 PIMLICO RACE TRACK IMPACT PROGRAM

State Fund Appropriation \$	523,000
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588-302	HARLEM PARK - COMMUNITY DEVELOPMENT		
	City Loan Fund Appropriation . \$		100,000
	CDBG Loan Fund Appropriation \$		185,000
588-303	RESERVOIR HILL - COMMUNITY DEVELOPMENT		
	City Loan Fund Appropriation . \$		100,000
	CDBG Loan Fund Appropriation \$		526,000
588-305	ROSEMONT - COMMUNITY DEVELOPMENT		
	City Loan Fund Appropriation . \$		350,000
588-306	SANDTOWN WINCHESTER - COMMUNITY DEVELOPMENT		
	CDBG Loan Fund Appropriation \$		307,000
588-307	UPTON - COMMUNITY DEVELOPMENT		
	City Loan Fund Appropriation . \$		50,000
	CDBG Loan Fund Appropriation \$		294,000
588-308	PENN NORTH - COMMUNITY DEVELOPMENT		
	CDBG Loan Fund		
	Deappropriation \$		(23,000)
588-312	WEST SECTOR OUTER CITY		
	CDBG Loan Fund Appropriation \$		437,000
588-318	INNER BLOCK PARKS - RENOVATION		
	City Loan Fund Appropriation \$		100,000
588-322	MIDTOWN EDMONDSON		
	CDBG Loan Fund Appropriation \$		215,000
588-332	PENNSYLVANIA AVENUE COMMERCIAL AREA		
	City Loan Fund Appropriation . \$		300,000
588-340	DOLFIELD COMMERCIAL AREA		
	City Loan Fund Appropriation . \$		300,000
588-341	MIDTOWN EDMONDSON COMMERCIAL AREA		
	City Loan Fund Appropriation . \$		200,000
588-403	FRANKLIN SQUARE - COMMUNITY DEVELOPMENT		
	City Loan Fund Appropriation . \$		100,000

588-406	POPPLETON - COMMUNITY DEVELOPMENT		
	CDBG Loan Fund		
	Deappropriation	\$	(872,000)
588-408	SHARP-LEADENHALL		
	CDBG Loan Fund		
	Deappropriation	\$	(272,000)
588-409	WASHINGTON VILLAGE		
	CDBG Loan Fund		
	Deappropriation	\$	(38,000)
588-412	SOUTHWEST OUTER CITY		
	CDBG Loan Fund		
	Deappropriation	\$	(19,000)
588-489	NU-GOLD BOTTLING SITE - REDEVELOPMENT		
	CDBG Loan Fund		
	Appropriation	\$	1,015,000
588-496	STADIUM IMPACT AREA - CAMDEN YARDS		
	City Loan Fund Appropriation .	\$	200,000
588-505	JONESTOWN - COMMUNITY DEVELOPMENT		
	CDBG Loan Fund Appropriation	\$	225,000
588-506	MIDDLE EAST - COMMUNITY DEVELOPMENT		
	CDBG Loan Fund Appropriation	\$	632,000
588-508	WASHINGTON HILL CHAPEL		
	CDBG Loan Fund Appropriation	\$	7,000
588-512	SOUTHEAST SECTOR OUTER CITY		
	CDBG Loan Fund Appropriation	\$	150,000
588-601	COLDSTREAM/HOMESTEAD/MONTEBELLO		
	CDBG Loan Fund		
	Deappropriation	\$	(54,000)
588-602	EAST BALTIMORE MIDWAY - COMMUNITY DEVELOPMENT		
	CDBG Loan Fund Appropriation	\$	95,000
588-603	BARCLAY - COMMUNITY DEVELOPMENT		
	CDBG Loan Fund Appropriation	\$	255,000

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588-604	GREENMOUNT WEST - COMMUNITY DEVELOPMENT		
	CDBG Loan Fund Appropriation	\$	274,000
588-605	JOHNSTON SQUARE		
	CDBG Loan Fund		
	Deappropriation	 \$	(165,000)
588-684	BROADWAY EAST - COMMUNITY DEVELOPMENT		
	City Loan Fund Appropriation	. \$	500,000
	CDBG Loan Fund		
	Deappropriation	 \$	(191,000)
588-707	MARKET CENTER		
	CDBG Loan Fund		
	Deappropriation	 \$	(308,000)
588-802	CITY HOUSING ASSISTANCE PROGRAM LOANS		
	CDBG Loan Fund Appropriation	\$	400,000
588-803	DEFERRED LOAN PROGRAM		
	CDBG Loan Fund Appropriation	\$	1,400,000
588-815	NEHEMIAH HOUSING		
	CDBG Loan Fund		
	Deappropriation	 \$	(23,000)
588-816	REVOLVING LOAN/DEFERRED LOAN PROGRAM		
	CDBG Loan Fund Appropriation	\$	143,000
588-824	EMERGENCY SHELTER GRANTS		
	Federal Fund Appropriation	.. \$	400,000
588-830	APPROACHWAY IMPROVEMENTS		
	City Loan Fund Appropriation	. \$	100,000
588-831	COMMERCIAL REVITALIZATION		
	City Loan Fund Appropriation	. \$	150,000
588-848	HOME PROGRAM		
	City Loan Fund Appropriation	. \$	1,000,000
588-849	PARTNERSHIP RENTAL PROJECT		
	City Loan Fund Appropriation	. \$	100,000

588-882	PROPERTY MANAGEMENT		
	CDBG Loan Fund Appropriation	\$	650,000
588-885	EMERGENCY DEMOLITION		
	CDBG Loan Fund Appropriation	\$	1,400,000
588-886	CONSERVATION AREAS		
	City Loan Fund Appropriation	.	\$ 300,000
588-888	HARDSHIP HOME REPAIR FOR THE ELDERLY		
	CDBG Loan Fund Appropriation	\$	200,000
588-889	RELOCATION PROGRAM		
	CDBG Loan Fund Appropriation	\$	650,000
588-893	NEIGHBORHOOD SERVICES AND IMPROVEMENT PROGRAM		
	City Loan Fund Appropriation	.	\$ 1,000,000
	Mayor and City Council Real Prop. Fund Appropriation	....	\$ 650,000
	Other Special Fund Appropriation	.....	\$ 250,000
588-894	NEIGHBORHOOD INCENTIVE PROGRAM		
	City Loan Fund Appropriation	.	\$ 250,000
588-896	VACANT HOUSE INITIATIVE		
	City Loan Fund Appropriation	.	\$ 750,000
	CDBG Loan Fund Appropriation	\$	300,000
588-899	CITY-WIDE REHABILITATION		
	CDBG Loan Fund Appropriation	\$	1,163,000
588-922	BALTIMORE JOBS IN ENERGY		
	CDBG Loan Fund Appropriation	\$	55,000
588-942	WASHINGTON VILLAGE - HOUSING DEVELOPMENT		
	CDBG Loan Fund Appropriation	\$	75,000
588-981	DROP-IN HOUSING		
	CDBG Loan Fund Deappropriation	.....	\$ (115,000)
592-831	MICROENTERPRISE LOANS		
	CDBG Loan Fund Appropriation	\$	2,500,000

LIBRARY, ENOCH PRATT FREE

457-021	LIBRARIES - PUBLIC ACCESS TECHNOLOGY - CIRCULATION		
	General Fund Appropriation ..	\$	150,000
	Other Special Fund		
	Appropriation	\$	50,000
457-022	CD-ROM DATABASE NETWORK SYSTEM		
	General Fund Appropriation ..	\$	25,000
	State Fund Appropriation	\$	25,000
457-200	LIBRARY FACILITIES - MODERNIZATION		
	General Fund Appropriation ..	\$	107,000
	Other Special Fund		
	Appropriation	\$	13,000

MAYORALTY-RELATED

127-034	CITYWIDE FACILITIES IMPROVEMENTS		
	General Fund Appropriation ..	\$	507,000
127-067	CASINO BUILDING ADULT DAY CARE CENTER		
	Other Special Fund		
	Appropriation	\$	250,000
	State Fund Appropriation	\$	400,000
127-095	NEIGHBORHOOD FACILITIES - RENOVATION		
	City Loan Fund Appropriation .	\$	1,500,000
127-110	MUSEUM OF INDUSTRY - WATERFRONT DEVELOPMENT		
	General Fund Appropriation ..	\$	25,000
	State Fund Appropriation	\$	25,000
127-112	MUSEUM OF INDUSTRY - PARK/OFFICE DEVELOPMENT		
	Federal Fund Appropriation ..	\$	425,000
	State Fund Appropriation	\$	425,000
483-010	BALTIMORE ZOO - GREAT APE EXHIBIT - CONSTRUCTION		
	Other Special Fund		
	Deappropriation	\$	(2,300,000)

483-016 BALTIMORE ZOO - INTERNATIONAL VALLEY -
RECONSTRUCTION

Other Special Fund

Appropriation	\$	2,234,000
State Fund Appropriation	\$	2,234,000

529-025 AQUARIUM - RING TANKS - RENOVATION

City Loan Fund Appropriation .	\$	3,500,000
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Other Special Fund

Appropriation	\$	638,000
State Fund Appropriation	\$	2,000,000

534-018 CONVENTION CENTER - EXPANSION

Revenue Bond Fund

Appropriation	\$	65,140,000
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534-028 CONVENTION CENTER - CARPET REPLACEMENT

State Fund Deappropriation ..	\$	(13,000)
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541-044 BALTIMORE ARENA - IMPROVEMENTS TO ASSIST
DISABLED PERSONS

General Fund Appropriation ..	\$	100,000
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MUSEUM OF ART

488-006 ART MUSEUM - ORIGINAL BUILDING GALLERIES -
RENOVATION

General Fund Appropriation ..	\$	325,000
State Fund Appropriation	\$	325,000

488-008 ART MUSEUM - PARKING PLAZA - CONSTRUCTION

General Fund Appropriation ..	\$	100,000
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488-009 MUSEUM OF ART - ROOF REPLACEMENT

Federal Fund Appropriation ..	\$	100,000
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General Fund Appropriation ..	\$	455,000
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Other Special Fund

Appropriation	\$	90,000
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State Fund Appropriation	\$	175,000
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488-015 ART MUSEUM - THIRD FLOOR PRINT VAULT -
RENOVATION

Federal Fund Appropriation ..	\$	25,000
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General Fund Appropriation ..	\$	175,000
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MUSEUMS, BALTIMORE CITY LIFE

491-005	BALTIMORE HISTORY MUSEUM - CONSTRUCTION		
	State Fund Appropriation	\$	500,000
491-007	MUSEUM ROW/ALBEMARLE STREET - IMPROVEMENTS		
	Federal Fund Appropriation . .	\$	210,000
491-010	PEALE MUSEUM - ACCESSIBILITY, SITE IMPROVEMENTS		
	General Fund Appropriation . .	\$	115,000
491-011	CARROLL MANSION - RENOVATION		
	General Fund Appropriation . .	\$	40,000

OFFICE OF EMPLOYMENT DEVELOPMENT

641-002	23RD STREET EMPLOYMENT DEVELOPMENT COMPLEX		
	General Fund Appropriation . .	\$	283,000
641-003	24TH STREET EMPLOYMENT DEVELOPMENT COMPLEX		
	General Fund Appropriation . .	\$	237,000

POLICE, DEPARTMENT OF

206-022	POLICE HEADQUARTERS		
	Industrial Development Authority		
	Fund Appropriation	\$	11,620,000
	Mayor and City Council		
	Real Prop. Fund Appropriation	\$	4,000,000
206-900	DISTRICT STATIONS - RENOVATION		
	General Fund Appropriation . .	\$	200,000

PUBLIC WORKS, DEPARTMENT OF

197-013	DISTRICT POLICE BUILDINGS - RENOVATION		
	General Fund Appropriation . .	\$	200,000

197-029	PULASKI HIGHWAY SUBSTATION - EXPANSION		
	Other Special Fund		
	Appropriation	\$	100,000
197-052	CITY HALL - RESTORATION		
	General Fund Appropriation ..	\$	200,000
197-092	PUBLIC BUILDINGS ROOF REPLACEMENT PROGRAM		
	General Fund Appropriation ..	\$	450,000
197-093	PUBLIC BUILDINGS HVAC SYSTEMS IMPROVEMENT		
	General Fund Appropriation ..	\$	450,000
197-121	WOLLMAN BUILDING - PLUMBING MODERNIZATION		
	General Fund Appropriation ..	\$	625,000
197-136	UNDERGROUND STORAGE TANK REMOVAL		
	General Fund Appropriation ..	\$	400,000
197-137	FACILITY ACCESSIBILITY MODIFICATIONS		
	General Fund Appropriation ..	\$	500,000
504-100	FOOTWAY PAVING CONSTRUCTION RESERVE		
	Motor Vehicle Fund		
	Appropriation	\$	100,000
	Other Special Fund		
	Appropriation	\$	1,000,000
504-200	ALLEY PAVING CONSTRUCTION RESERVE		
	Motor Vehicle Fund		
	Appropriation	\$	1,000,000
	Other Special Fund		
	Appropriation	\$	1,000,000
504-300	SIDEWALKS DAMAGED BY TREE ROOTS - REPAIRS		
	Motor Vehicle Fund		
	Appropriation	\$	900,000

507-001 INTERSTATE PROGRAM			
CONSTRUCTION RESERVE			
Motor Vehicle Fund			
Appropriation	.....	\$	163,000
Other Special Fund			
Appropriation	.....	\$	200,000
507-002 PROJECT VISION STREETS - RESURFACING			
Federal Fund Appropriation	..	\$	920,000
Motor Vehicle Fund			
Appropriation	.....	\$	261,000
507-019 MOUNT STREET BRIDGE (BC# 8009) -			
RECONSTRUCTION			
Federal Fund Appropriation	..	\$	300,000
507-152 KEY HIGHWAY - RECONSTRUCTION			
Federal Fund Appropriation	..	\$	1,040,000
Motor Vehicle Fund			
Appropriation	.....	\$	260,000
507-317 LIBERTY HEIGHTS AVENUE BRIDGE (BC# 2201)			
Federal Fund Appropriation	..	\$	2,500,000
507-392 MONUMENT STREET - RECONSTRUCTION			
Federal Fund Appropriation	..	\$	1,600,000
Motor Vehicle Fund			
Appropriation	.....	\$	149,000
507-524 PATAPSCO AVENUE BRIDGE (BC# 5204)			
REPLACEMENT			
Federal Fund Appropriation	..	\$	2,000,000
Motor Vehicle Fund			
Appropriation	.....	\$	400,000
507-615 PATAPSCO AVENUE - RESURFACING			
Federal Fund Appropriation	..	\$	1,200,000
Motor Vehicle Fund			
Appropriation	.....	\$	300,000
507-682 CLIFTON AVENUE BRIDGE (BC# 2502)			
RECONSTRUCTION			
Federal Fund Appropriation	..	\$	4,000,000
Motor Vehicle Fund			
Appropriation	.....	\$	1,000,000

507-800	HAMILTON AVENUE - RESURFACING		
	Federal Fund Appropriation .. \$	250,000	
507-801	33RD STREET - RESURFACING		
	Federal Fund Appropriation .. \$	800,000	
507-802	LIBERTY HEIGHTS AVENUE - RESURFACING		
	Federal Fund Appropriation .. \$	1,254,000	
507-803	FREDERICK AVENUE RESURFACING		
	Federal Fund Appropriation .. \$	750,000	
507-816	O'DONNELL STREET VIADUCT		
	(BC# 4403) REPLACEMENT		
	Federal Fund Appropriation .. \$	480,000	
	Motor Vehicle Fund		
	Appropriation \$	120,000	
507-817	FREDERICK AVENUE BRIDGE		
	(BC# 9013) REHABILITATION		
	Federal Fund Appropriation .. \$	450,000	
507-868	PATAPSCO AVE BRIDGE		
	(BC# 5206) REHABILITATION		
	Federal Fund Appropriation .. \$	1,600,000	
	Motor Vehicle Fund		
	Appropriation \$	400,000	
507-901	NORTH AVENUE - RECONSTRUCTION		
	Federal Fund Appropriation .. \$	1,200,000	
507-910	DOWNTOWN TRANSIT STUDY		
	Federal Fund Appropriation .. \$	160,000	
	Motor Vehicle Fund		
	Appropriation \$	40,000	
507-913	TRAFFIC CONTROL SYSTEM STUDY		
	Federal Fund Appropriation .. \$	600,000	
507-914	TRAFFIC SIGNAL CONFLICT MONITOR STUDY		
	Federal Fund Appropriation .. \$	100,000	
507-915	TRAFFIC SIGNAL DETECTOR STUDY		
	Federal Fund Appropriation .. \$	100,000	

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508-121	DOVER/ELKINS/KNOX/HERBERT STREETS - RECONSTRUCTION		
	Motor Vehicle Fund		
	Appropriation	\$	952,000
508-142	RITTER AND VALIQUET AVENUES - RECONSTRUCTION		
	Motor Vehicle Fund		
	Appropriation	\$	800,000
508-457	PIEDMONT AVENUE - RECONSTRUCTION		
	Motor Vehicle Fund		
	Appropriation	\$	259,000
508-489	HOUSING & COMMUNITY DEVELOPMENT - STREET IMPROV.		
	Motor Vehicle Fund		
	Appropriation	\$	500,000
508-495	CARROLL, PARKSLEY, WILMINGTON & SPONSON STS - RECONSTR.		
	Motor Vehicle Fund		
	Appropriation	\$	500,000
508-499	CATALPHA ROAD - RECONSTRUCTION		
	Motor Vehicle Fund		
	Appropriation	\$	213,000
508-502	INNER HARBOR EAST STREET IMPROVEMENTS		
	Motor Vehicle Fund		
	Appropriation	\$	900,000
508-511	ROYSTON AVENUE - RECONSTRUCTION		
	Motor Vehicle Fund		
	Appropriation	\$	325,000
508-606	HOPKINS/BAYVIEW RESEARCH PARK INTERNAL STREET		
	Motor Vehicle Fund		
	Appropriation	\$	1,000,000
	Other Special Fund		
	Appropriation	\$	1,000,000

508-688	LOW INCOME HOUSING STREETS (NEHEMIAH III)		
	Motor Vehicle Fund		
	Appropriation	\$	500,000
508-752	COLD SPRING LANE/THE ALAMEDA - RECONSTRUCTION		
	Motor Vehicle Fund		
	Appropriation	\$	500,000
508-846	MAPPING PROGRAM - HIGHWAYS		
	Motor Vehicle Fund		
	Appropriation	\$	100,000
509-112	GERMANIA AVENUE - RECONSTRUCTION		
	Motor Vehicle Fund		
	Appropriation	\$	40,000
509-116	HOLY CROSS LANE - RECONSTRUCTION		
	Motor Vehicle Fund		
	Appropriation	\$	40,000
509-123	NAVARRO AVENUE - RECONSTRUCTION		
	Motor Vehicle Fund		
	Appropriation	\$	27,000
509-510	CLARINDA AVENUE - RECONSTRUCTION		
	Motor Vehicle Fund		
	Appropriation	\$	19,000
509-529	CRENSHAW AVENUE - RECONSTRUCTION		
	Motor Vehicle Fund		
	Appropriation	\$	25,000
509-530	JANNEY STREET - RECONSTRUCTION		
	Motor Vehicle Fund		
	Appropriation	\$	60,000
509-533	ST JOHN'S ROAD - RECONSTRUCTION		
	Motor Vehicle Fund		
	Appropriation	\$	37,000
509-736	BALTIMORE STREET - RESURFACING		
	Motor Vehicle Fund		
	Appropriation	\$	220,000

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510-901	STREET LIGHT POLE REPLACEMENT PROGRAM		
	Motor Vehicle Fund		
	Appropriation	\$	300,000
512-001	NEW TRAFFIC SIGNALS		
	Motor Vehicle Fund		
	Appropriation	\$	500,000
514-200	LOCAL STREET RESURFACING PROGRAM		
	Motor Vehicle Fund		
	Appropriation	\$	8,200,000
514-433	FAYETTE STREET - RESURFACING		
	Motor Vehicle Fund		
	Appropriation	\$	220,000
517-022	STREET CLEANING EQUIPMENT FACILITY		
	Other Special Fund		
	Appropriation	\$	50,000
517-030	QUARANTINE LANDFILL - CELL 6		
	Revenue Bond Fund		
	Deappropriation	\$	(9,000,000)
517-040	CAMP SMALL YARD WASTE PROCESSING AREA		
	Mayor and City Council Real		
	Prop. Fund Deappropriation. . .	\$	(200,000)
517-062	QUARANTINE LANDFILL - SEDIMENT BASIN - CONSTRUCTION		
	Other Special Fund		
	Appropriation	\$	100,000
517-063	BOWLEY'S LANE LANDFILL - METHANE EXTRACTION		
	Other Special Fund		
	Appropriation	\$	40,000
517-064	MONUMENT STREET LANDFILL - LEACHATE WELL REPAIRS		
	Mayor and City Council Real Prop.		
	Fund Appropriation	\$	87,000
	Other Special Fund		
	Appropriation	\$	13,000

517-066	SANITARY LANDFILL FEASIBILITY STUDY		
	General Fund Appropriation .. \$	100,000	
520-099	SMALL STORM DRAIN REPAIRS		
	Motor Vehicle Fund		
	Appropriation \$	250,000	
520-128	MOUNT OLIVET LANE STORM DRAIN - RELOCATION		
	Motor Vehicle Fund		
	Appropriation \$	105,000	
520-130	O'DONNELL HEIGHTS DRAINAGE IMPROVEMENTS		
	Motor Vehicle Fund		
	Appropriation \$	100,000	
520-133	STRICKER STREET STORM DRAIN - REPLACEMENT		
	Motor Vehicle Fund		
	Appropriation \$	150,000	
520-134	LAWNDALE AVENUE STORM DRAIN - REPLACEMENT		
	Motor Vehicle Fund		
	Appropriation \$	120,000	
520-314	GWYNNS RUN POLLUTION CONTROL		
	Motor Vehicle Fund		
	Appropriation \$	185,000	
	State Fund		
	Appropriation \$	300,000	
520-636	WESTERN RUN AT GLEN AVENUE - EROSION CONTROL		
	Motor Vehicle Fund		
	Appropriation \$	45,000	
520-637	JONES FALLS STREAM BANK - STABILIZATION		
	Motor Vehicle Fund		
	Appropriation \$	325,000	

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520-902	MT. WASHINGTON/ROLAND PARK DRAINAGE STUDY		
	Motor Vehicle Fund		
	Appropriation	\$	100,000
520-903	STORM DRAIN FACILITIES DATABASE CONSTRUCTION		
	Motor Vehicle Fund		
	Appropriation	\$	350,000
520-905	LOWER GWYNNS FALLS DIKE- PHASE II		
	Motor Vehicle Fund		
	Appropriation	\$	940,000
551-139	PATAPSCO PLANT - GRIT REMOVAL FACILITIES - CONSTRUCTION		
	County Grant Fund		
	Appropriation	\$	1,681,000
	State Loan Fund Appropriation	\$	791,000
551-144	MAPPING PROGRAM - WASTE WATER SYSTEM		
	Waste Water Utility Fund		
	Appropriation	\$	250,000
551-312	BACK RIVER PLANT - CHLORINATION BLDG/OUTFALL - MODIFICATIONS		
	County Grant Fund		
	Appropriation	\$	2,500,000
551-315	PATAPSCO PLANT - SLUDGE FACILITIES - RENOVATION		
	County Grant Fund		
	Appropriation	\$	680,000
	Revenue Bond Fund		
	Appropriation	\$	320,000
551-317	WASTE WATER TREATMENT PLANTS - PLAN UPDATES		
	County Grant Fund		
	Appropriation	\$	600,000
	Revenue Bond Fund		
	Appropriation	\$	400,000
551-327	BACK RIVER WASTE WATER TREATMENT - ADVANCED TREATMENT (III)		
	Federal Fund Appropriation . .	\$	21,173,000

551-329	BACK RIVER WASTE WATER TREATMENT PLANT - ODOR CONTROL (II)		
	Federal Fund Appropriation ..	\$	6,600,000
551-336	PATAPSCO WASTE WATER TREATMENT PLANT - ADDITIONAL STORAGE		
	County Grant Fund		
	Appropriation	\$	1,326,000
	Revenue Bond Fund		
	Appropriation	\$	624,000
551-337	BACK RIVER WASTE WATER TREATMENT PLANT - NEW FRONT ENTRANCE		
	County Grant Fund		
	Appropriation	\$	193,000
	Revenue Bond Fund		
	Appropriation	\$	192,000
551-402	COMBINED SEWER SEPARATION PROGRAM		
	Revenue Bond Fund		
	Appropriation	\$	200,000
551-403	SMALL SEWER EXTENSIONS AND IMPROVEMENTS		
	Revenue Bond Fund		
	Appropriation	\$	200,000
551-404	INFILTRATION/INFLOW CORRECTION PROGRAM		
	Revenue Bond Fund		
	Appropriation	\$	1,500,000
551-407	GWYNNS FALLS SEWERSHED CONVEYANCE SYSTEM		
	County Grant Fund		
	Appropriation	\$	160,000
	Revenue Bond Fund		
	Appropriation	\$	200,000
557-012	WATER STORAGE TANKS MAINTENANCE PROGRAM		
	County Grant Fund		
	Appropriation	\$	600,000
557-013	PARK TERMINAL - GARAGE RENOVATION		
	County Grant Fund		
	Appropriation	\$	820,000

	Appropriation	.....	\$	1,690,000
557-031	WATER SUPPLY SYSTEM - ANNUAL IMPROVEMENTS			
	County Grant Fund			
	Appropriation	.....	\$	200,000
557-070	WATERSHED ROADS AND BRIDGES - MAINTENANCE			
	County Grant Fund			
	Appropriation	.....	\$	148,000
	Revenue Bond Fund			
	Appropriation	.....	\$	252,000
557-083	CHLORINE LEAK DETECTION & TELEMETRY SYSTEM			
	County Grant Fund			
	Appropriation	.....	\$	150,000
	Revenue Bond Fund			
	Appropriation	.....	\$	150,000
557-099	MAPPING PROGRAM - WATER SUPPLY SYSTEM			
	Water Utility Fund			
	Appropriation	.....	\$	100,000
557-100	WATER INFRASTRUCTURE REHABILITATION			
	Revenue Bond Fund			
	Appropriation	.....	\$	4,000,000
557-101	WATER MAINS - INSTALLATION			
	Revenue Bond Fund			
	Appropriation	.....	\$	2,000,000
	Water Utility Fund			
	Appropriation	.....	\$	4,000,000
557-112	WATER SYSTEM CATHODIC PROTECTION			
	Water Utility Fund			
	Appropriation	.....	\$	75,000
557-120	LEAD PAINT ABATEMENT - WATER SUPPLY SYSTEM			
	County Grant Fund			
	Appropriation	.....	\$	260,000
	Revenue Bond Fund			
	Appropriation	.....	\$	440,000

557-122 EASTSIDE MAINTENANCE YARD - CONSTRUCTION

County Grant Fund

Appropriation \$ 1,047,000

Revenue Bond Fund

Appropriation \$ 1,783,000

557-123 ZEBRA MUSSEL CONTROL

County Grant Fund

Appropriation \$ 1,915,000

Revenue Bond Fund

Appropriation \$ 3,260,000

557-135 PAPER MILL ROAD BRIDGE - REPLACEMENT

Federal Fund Appropriation . . \$ 5,600,000

557-151 DRUID LAKE DAM - REHABILITATION

County Grant Fund

Appropriation \$ 842,000

Revenue Bond Fund

Appropriation \$ 1,433,000

557-300 WATER FACILITIES - ANNUAL IMPROVEMENTS

County Grant Fund

Appropriation \$ 300,000

Revenue Bond Fund

Appropriation \$ 500,000

557-314 MONTEBELLO WATER CENTER - REHABILITATION

County Grant Fund

Appropriation \$ 1,036,000

Revenue Bond Fund

Appropriation \$ 1,764,000

RECREATION AND PARKS, DEPARTMENT OF

474-264 STREET TREE PLANTING PROGRAM

General Fund Appropriation . . \$ 100,000

474-450 PARK REHABILITATION

State Open Space Fund

Deappropriation \$ (150,000)

474-461 PARK BUILDING MODERNIZATION

State Open Space Fund

Deappropriation \$ (97,000)

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474-464	CYLBURN/DRUID HILL PARK BUILDINGS		
	State Open Space Fund		
	Deappropriation	\$	(53,000)
474-476	BENTALOU RECREATION CENTER - RENOVATION		
	General Fund Appropriation ..	\$	350,000
474-481	NORTHWOOD RECREATION CENTER PLAYGROUND - RENOVATION		
	Mayor and City Council Real Prop.		
	Fund Appropriation	\$	82,000
474-483	ROOSEVELT PARK POOL - RENOVATION		
	State Open Space Fund		
	Appropriation	\$	450,000
	State Open Space Fund		
	Appropriation	\$	150,000
474-484	CHERRY HILL AQUATICS CENTER - RENOVATION		
	General Fund Appropriation ..	\$	75,000
	State Open Space Fund		
	Appropriation	\$	225,000
474-485	HERRING RUN WATERSHED IMPROVEMENTS		
	Mayor and City Council Real Prop.		
	Fund Appropriation	\$	100,000
474-486	PARK PAVILIONS - CONSTRUCTION/REPAIR		
	General Fund Appropriation ..	\$	60,000
	State Open Space Fund		
	Appropriation	\$	180,000
474-487	JOHNSTON SQUARE PARK - REHABILITATION		
	State Open Space Fund		
	Appropriation	\$	150,000
474-488	GWYNNS FALLS GREENWAY - ACQUISITION/CONSTRUCTION		
	Federal Fund Appropriation ..	\$	400,000
474-489	BASKETBALL/TENNIS COURT RESURFACING - FISCAL 1994		
	State Open Space Fund		
	Appropriation	\$	200,000

474-490 CAMP SMALL - SITE RESTORATION		
Mayor and City Council Real Prop.		
Fund Appropriation	\$	200,000
474-491 PLAYGROUNDS IN LARGE PARKS - FISCAL 1994		
State Open Space Fund		
Appropriation	\$	200,000
474-492 RECREATION CENTER ROOF REPLACEMENTS - FISCAL 1994		
General Fund Appropriation . .		
	\$	50,000
State Open Space Fund		
Appropriation	\$	150,000

SEC. 3. AND BE IT FURTHER ORDAINED, That the amounts set forth in Section 2 above designated deappropriations and enclosed in parentheses shall revert to the surpluses of the respective funds and be available for appropriation by this or subsequent ordinances.

SEC. 4. AND BE IT FURTHER ORDAINED, That (a) the City reasonably expects to reimburse the expenditures described in Subsection (b) of this Section with the proceeds of one or more borrowings (as such term is used in Treas. Reg. Section 1.103-18(c)(2)(i)) to be incurred by the City (or any entity controlled by the City within the meaning of Treas. Reg. Section 1.150-1). The City intends that this Section of this Ordinance of Estimates (as this Ordinance of Estimates may be amended from time to time) shall serve as a declaration of the City's reasonable intention to reimburse expenditures as required by Treas. Reg. Section 1.103-18.

(b) The City intends that this declaration will include all reimbursement of expenditures for capital projects or programs approved in the capital budget contained in this Ordinance of Estimates to the extent that the City has appropriated in this Ordinance of Estimates to pay the cost thereof from one or more borrowings to be incurred by the City (or any entity controlled by the City within the meaning of Treas. Reg. Section 1.150-1). The term "borrowings" (as such term is used in Treas. Reg. Section 1.103-18(c)(2)(i) and this Section) includes general obligation bonds and notes, revenue bonds and notes, leases, conditional purchase agreements and other obligations of the City (or any entity controlled by the City within the meaning of Treas. Reg. Section 1.150-1).

(c) The maximum anticipated debt expected to be incurred by the City to reimburse the cost of each capital project or program approved

in the capital budget contained in this Ordinance of Estimates is the applicable appropriation listed in this Ordinance of Estimates, which appropriation is from the proceeds of one or more borrowings, as such appropriations may be increased or decreased.

SEC. 5. AND BE IT FURTHER ORDAINED, That no part of the amounts appropriated in this Ordinance of Estimates shall be made available to pay for costs of any capital project not specifically approved through this Ordinance of Estimates or without the prior consent of the City Council; and provided further that no part of the amounts appropriated in this Ordinance of Estimates shall be made available to any agency without the prior approval of the City Council to pay for occupancy, by lease or otherwise, of any facility whose costs exceed the amounts provided in the detail supporting this Ordinance of Estimates.

SEC. 6. The foregoing appropriations in summary consist of:

<u>Fund</u>	<u>Operating</u>	<u>Capital</u>	<u>Total</u>
General	\$ 795,431,000	\$ 7,704,000	\$ 803,135,000
Education	501,638,000	0	501,638,000
Motor Vehicle	126,248,266	24,000,000	150,248,266
Federal Grants	251,862,973	36,686,000	288,548,973
State Grants	69,098,553	8,378,000	77,476,553
Water Utility	60,408,295	4,175,000	64,583,295
Waste Water Utility	91,377,925	250,000	91,627,925
Loan & Guarantee Enterprise	3,669,879	0	3,669,879
Parking Enterprise	12,754,495	0	12,754,495
Special	12,915,577	124,203,000*	137,118,577
Parking Management	7,575,743	0	7,575,743
City Loan	0	26,700,000	26,700,000
	\$1,932,980,706	\$232,096,000	\$2,165,076,706

*Consisting Of:

County Grants	\$14,458,000
Revenue Bonds & Notes	\$77,048,000
M&CC Real Property Account	\$ 8,919,000
Builders & Property Owners	\$ 2,000,000
Other Fund Sources	\$21,778,000

Approved by the Board of Estimates

President

Mayor

Comptroller

Director of Public Works

City Solicitor

BOARD OF ESTIMATES

Approved June 28, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 227

(Council Bill No. 510)

AN ORDINANCE concerning

SMOKING IN CITY BUILDINGS

FOR the purpose of prohibiting smoking in any part of a City building.

BY repealing and reordaining with amendments

Article 11 - Health

Subtitle - Smoking in City Buildings

Sections 273, 274, 275, 277, 279

Baltimore City Code (1983 Replacement Volume, as amended)

BY repealing

Article 11 - Health

Subtitle - Smoking in City Buildings

Sections 276, 278

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 11 - HEALTH

Smoking in City Buildings

273. Definitions.

In this subtitle the following terms have the meanings indicated.

(a) "Commissioner" means the Commissioner of Health of Baltimore City or the Commissioner's designee.

(b) "City building" means a building, or any part of a building, owned or leased by the City or occupied by a City agency.

(C) "CITY MARKETS" MEANS LEXINGTON MARKET, BELAIR MARKET, BROADWAY MARKET, CROSS STREET MARKET, HOLLINS MARKET, LAFAYETTE MARKET, NORTHEAST MARKET, AND ANY FUTURE SIMILAR MARKETS.

(D) "OCCUPY" MEANS TO HAVE CONTROL OVER A PHYSICAL SPACE BY REASON OF A WRITTEN OR VERBAL LEASE.

[(c) "Designated smoking area" means the part of a City building where smoking is permitted by designation of the Commissioner or the Commissioner's designee.]

[(d)](C) "Smoking" means the act of smoking or carrying a burning cigar, cigarette, pipe, or tobacco product of any kind.

[(e) "Social function" means a specific social or recreational event for which an entire room or hall is reserved.]

274. Exemptions.

EXCEPT FOR CITY MARKETS, THE [The] provisions of this subtitle do not apply to any part of a city building occupied by a private business or private individual[.], PROVIDED THERE IS A VENTILATION SYSTEM OR PHYSICAL BARRIER THAT PREVENTS AIR FROM THE AREAS IN WHICH SMOKING IS PERMITTED FROM PASSING INTO NONSMOKING AREAS.

275. Smoking in City buildings prohibited.

Except as provided in Section[s] 274 [and 276] of this subtitle, commencing ~~April 1, 1989~~ JULY 1, 1993, smoking in City buildings INCLUDING CITY MARKETS, is prohibited. ALL VEHICLES OWNED OR LEASED BY THE CITY GOVERNMENT ARE HEREBY DESIGNATED NONSMOKING WHEN OCCUPIED BY MORE THAN ONE INDIVIDUAL.

[276. Exceptions.

Smoking in a City building is permitted:

(a) In designated smoking areas; and

(b) At social functions.]

277. Advisory No Smoking Committee.

There is an Advisory No Smoking Committee whose members shall be named by the Commissioner. Representatives of certified City employee groups shall be included among the committee members. The committee shall assist the Commissioner in developing guidelines [for the designation of smoking areas in City buildings and] for the enforcement of this subtitle. The committee shall periodically review City agency implementation of the provisions of this subtitle.

[278. Designated smoking areas.

(a) Each City building shall have at least one designated smoking area other than a rest room. The Commissioner, or the Commissioner's designee, shall adopt procedures for establishing designated smoking areas in City buildings.

(b) Designated smoking areas may not be established in:

- (1) conference rooms;
- (2) meeting rooms;
- (3) offices; or

(4) areas where smoking is prohibited by the State Fire Marshal.

(c) Designated smoking areas may be established in rest rooms. However, in each City building smoking shall be prohibited in a majority of rest rooms for males and a majority of rest rooms for females.]

279. Posting of signs.

[(a)] Each agency at the direction of the Commissioner, or the Commissioner's designee, shall post a sign displaying the words, "Smoking prohibited by law[, except in designated smoking areas]", or similar words, at each City building entrance.

[(b) Each agency at the direction of the Commissioner, or the Commissioner's designee, shall post a sign displaying the words

Ord. No. 228

"Smoking permitted", or similar words, at each designated smoking area in a City building.]

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on July 1, 1993.

Approved June 30, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 228

(Council Bill No. 573)

AN ORDINANCE concerning

SUPPLEMENTARY LOAN FUND CAPITAL APPROPRIATION -
DEPARTMENT OF PUBLIC WORKS - \$11,000,000

FOR the purpose of providing a supplementary Loan Fund Capital appropriation in the amount of \$11,000,000 to the Department of Public Works (Account No. 9948-517-030) to be used for the construction of Cell 6 - Quarantine Road Landfill.

BY authority of

Article VI - Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision, as amended)

WHEREAS, The money appropriated herein represents proceeds from a financing through the Industrial Development Authority in excess of the amount from this source estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1993 fiscal year, and said money is therefore available for appropriation to the Department of Public Works pursuant to the provisions of Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision, as amended); and

WHEREAS, The additional sum here appropriated is from sources which could not be expected with reasonable certainty at the time of the formulation of the current Ordinance of Estimates in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, This supplementary Loan Fund Capital appropriation has been recommended to the City Council by the Board of Estimates at a regular meeting of the Board held on the 19th day of May, 1993, all in accordance with Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision, as amended).

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City, the sum of \$11,000,000 shall be made available to the Department of Public Works as a supplementary Loan Fund Capital appropriation for the fiscal year ending June 30, 1993 to provide for the construction of Cell 6 - Quarantine Road Landfill. The amount thus made available as a supplementary Loan Fund Capital appropriation shall be provided from proceeds from a financing through the Industrial Development Authority in excess of the amount from this source which was estimated or relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1993 fiscal year; and said funds from said proceeds from a financing through the Industrial Development Authority shall be the source of revenue for this supplementary Loan Fund Capital appropriation, as required by Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision, as amended).

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved June 30, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 229

(Council Bill No. 582)

AN ORDINANCE concerning

SUPPLEMENTARY CAPITAL APPROPRIATION -
DEPARTMENT OF PUBLIC WORKS - \$900,000

FOR the purpose of providing a supplementary Capital appropriation in the amount of \$900,000 to the Department of Public Works (9965-580-569 - Off-Street Parking) to meet Trust Indenture requirements of parking facilities financing.

BY authority of

Article VI - Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision, as amended)

WHEREAS, The money appropriated herein represents proceeds from Certificates of Participation refunding in excess of the amount from this source estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1993 fiscal year, and said money is therefore available for appropriation to the Department of Public Works (9965-580-569 - Off-Street Parking) pursuant to the provisions of Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision, as amended); and

WHEREAS, The additional sum here appropriated is from sources which could not be expected with reasonable certainty at the time of the formulation of the current Ordinance of Estimates in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, This supplementary Capital appropriation has been recommended to the City Council by the Board of Estimates at a regular meeting of the Board held on the 26th day of May, 1993, all in accordance with Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision, as amended).

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City, the sum of \$900,000 shall be made available to the Department of Public Works (9965-580-569 - Off-Street Parking) for the fiscal year ending June 30, 1993 to provide funding to meet the Trust Indenture requirements of parking facilities financing. The amount thus made available as a supplementary Capital appropriation shall be expended from proceeds of Certificates of Participation refunding in excess of the amount from this source which was estimated or relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1993 fiscal year; and said funds from said proceeds of Certificates of Participation refunding shall be the source of revenue for this supplementary Capital appropriation, as required by Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision, as amended).

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved June 30, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 230

(Council Bill No. 256)

AN ORDINANCE concerning

CITY PROPERTY SALE - 316 S. CAROLINE STREET

FOR the purpose of authorizing the Mayor and City Council of of Baltimore to sell at either public or private sale all of the interest of the Mayor and City Council of Baltimore in and to a certain parcel of land and improvements located at 316 S. Caroline Street, Baltimore, Maryland, said parcel of land and improvements being no longer needed for public use.

BY authority of
Article V - Comptroller
Section 5(b)
Baltimore City Charter (1964 Revision, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Comptroller of Baltimore City be and she is hereby authorized to sell, at either public or private sale in accordance with Article V, Section 5(b) of the City Charter (1964 Revision, as amended), all of the interest of the Mayor and City Council of Baltimore in and to a certain parcel of land and improvements situate in Baltimore, Maryland, and described as follows:

316 S. Caroline Street (Ward 34, Section 2, Block 1367,
Lot 2) a 3,663+ square foot parcel of land
improved with a two story former firehouse

Said property being no longer needed for public use.

SEC. 2. AND BE IT FURTHER ORDAINED, That no deed or deeds shall pass in accordance herewith until the same shall have been first approved by the City Solicitor.

Ord. No. 231

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved July 2, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 231

(Council Bill No. 410)

AN ORDINANCE concerning

EMERGENCY TOWING

FOR the purpose of permitting certain owners or operators of vehicles to contact a towing company in emergency towing situations under certain circumstances.

BY adding

Article 19 - Police Ordinances

Subtitle - Towing Vehicles

Section 202A

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 19 - POLICE ORDINANCES

Towing Vehicles

202A.

WHEN A VEHICLE IS REQUIRED TO BE TOWED FROM A CITY STREET AS A RESULT OF ACCIDENT, DISABILITY, OR SIMILAR VEHICULAR EMERGENCY, BEFORE CALLING A TOWING COMPANY AUTHORIZED BY THE POLICE COMMISSIONER TO TOW VEHICLES IN EMERGENCIES, THE POLICE OFFICER ON THE SCENE SHALL PERMIT THE OWNER OR OPERATOR, IF AVAILABLE, TO CONTACT A LICENSED OR AUTHORIZED TOWING COMPANY TO REMOVE THE

VEHICLE. THE TOWING COMPANY CONTACTED BY THE OWNER OR OPERATOR SHALL ~~REMOVE THE VEHICLE IN~~ RESPOND WITHIN 20 MINUTES OR A REASONABLE PERIOD OF TIME, AS DETERMINED BY THE POLICE OFFICER, UNDER THE CIRCUMSTANCES OCCURRING AT THE SCENE.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved July 2, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 232

(Council Bill No. 499)

AN ORDINANCE concerning

URBAN RENEWAL - SANDTOWN-WINCHESTER -
AMENDMENT NO. 3

FOR the purpose of amending the Urban Renewal Plan for Sandtown-Winchester Urban Renewal Area to, among other things, (1) prohibit automobile laundries in Industrial Districts; (2) revise appropriate Exhibits attached to the Plan to reflect the changes proposed herein; (3) waive such requirements, if any, as to the content or procedure for the preparation, adoption and approval of renewal plans as set forth in Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended) which the Renewal Plan for Sandtown-Winchester may not meet; (4) provide for the severability of the various parts and applications of this ordinance; (5) provide that where the provisions of this ordinance conflict with any other ordinance, code or regulation in force in the City of Baltimore, the provision which establishes the higher standard shall prevail; and (6) provide for an effective date hereof.

WHEREAS, An Urban Renewal Plan for Sandtown-Winchester was first approved by the Mayor and City Council of Baltimore by Ordinance No. 701, dated April 17, 1978 and last amended by Ordinance No. 588, dated June 27, 1990; and

WHEREAS, Pursuant to Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended), no substantial change or changes shall be made in any renewal plan, after approval by ordinance, without such changes or changes first being adopted and approved in the same manner as set forth in said Article 13 for the approval of renewal plans, namely approval and adoption by ordinance of the Mayor and City Council of Baltimore after a public hearing in relation thereto, all in the manner set forth in said Article 13; and

WHEREAS, In accordance with the provisions of Section 25(h) of said Article 13, when a Council Member initiates an amendment to an existing renewal plan, such bill shall be sent the Department of Housing and Community Development and to the Planning Commission for recommendation and report; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following amendments and changes to the Renewal Plan for Sandtown-Winchester, having been duly reviewed and considered, are hereby approved and the Clerk of the City Council is hereby directed to file a copy of said amended Renewal Plan, revised to include Amendment No. 3, dated March 8, 1993, with the Department of Legislative Reference as a permanent public record and to make the same available for public inspection and information:

1. On page 2, in section B.1.f, amend paragraph f as follows:

f. Industrial

In the area designated as Industrial on the Land Use Plan Map, the uses permitted shall be those permitted under the M-2 category of the Zoning Ordinance of Baltimore City, except for automobile laundries.

SEC. 2. AND BE IT FURTHER ORDAINED, That in whatever respect, if any, the Renewal Plan approved hereby for the Sandtown-Winchester area may not meet the requirements as to the content of a renewal plan or the procedure for the preparation, adoption, and approval of renewal plans as provided in Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended), the said requirements are hereby waived and the amended Renewal Plan approved hereby is exempted therefrom.

SEC. 3. AND BE IT FURTHER ORDAINED, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph,

section or part in or of this Ordinance or the application thereof to any person or circumstance is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this Ordinance without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof so held invalid.

SEC. 4. AND BE IT FURTHER ORDAINED, That in any case where a provision of this Ordinance concerns the same subject matter as an existing provision of any zoning, building, electrical, plumbing, health, fire or safety ordinance, code or regulation, the applicable provisions concerned shall be construed so as to give effect to each; provided, however, that if such provisions are found to be in irreconcilable conflict, the provision which establishes the higher standard for the promotion of the public health and safety shall prevail. In any case where a provision of this Ordinance is found to be in conflict with an existing provision of any other ordinance, code or regulation in force in the City of Baltimore which establishes a lower standard for the promotion and protection of the public health and safety, the provision of this Ordinance shall prevail, and the other existing provision of such other Ordinance, code or regulation is hereby repealed to the extent that it may be found in conflict with this Ordinance.

SEC. 5. AND BE IT FURTHER ORDAINED, That this Ordinance shall take effect on the date of its enactment.

Approved July 2, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 233

(Council Bill No. 513)

AN ORDINANCE concerning

REZONING - 509-521 S. EXETER STREET

FOR the purpose of changing the zoning for the properties known as 509-521 S. Exeter Street from the M-2-2 Zoning District to the ~~R-8~~ R-9 Zoning District.

Ord. No. 234

BY amending Zoning District Maps

Sheet No. 56

Article 30 - Zoning

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet No. 56 of the Zoning District Maps of Article 30-Zoning of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning" be and it is hereby amended by changing from the M-2-2 Zoning District to the ~~R-8~~ R-9 Zoning District the properties known as 509-521 S. Exeter Street, as outlined in red on the amended plat accompanying this ordinance.

SEC. 2. AND BE IT FURTHER ORDAINED, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved July 2, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 234

(Council Bill No. 546)

AN ORDINANCE concerning

PROPERTY TAX CREDIT - VACANT DWELLINGS

FOR the purpose of providing a property tax credit for certain vacant dwellings as authorized in H.B. 1101, Chapter 583, 1993; and

subjecting the enactment of this ordinance to a certain contingency.

BY adding

Article 28 - Taxes

Subtitle - Tax Credits

Section 75B

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 28 - TAXES

Tax Credits

75B. PROPERTY TAX CREDIT FOR VACANT DWELLINGS.

(A) DEFINITION. IN THIS SECTION, "VACANT DWELLING" MEANS RESIDENTIAL REAL PROPERTY THAT:

(1) CONTAINS NO MORE THAN FOUR DWELLING UNITS;
AND

(2) (I) HAS BEEN CITED AS VACANT AND ABANDONED ON A HOUSING OR BUILDING VIOLATION NOTICE FOR 1 YEAR; OR

(II) HAS BEEN OWNED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY FOR 1 YEAR AND IS IN NEED OF SUBSTANTIAL REPAIR TO COMPLY WITH APPLICABLE CITY CODES.

(B) QUALIFIED OWNER. OWNERS OF VACANT DWELLINGS MAY QUALIFY FOR THE TAX CREDIT AUTHORIZED BY THIS SECTION BY:

(1) SUBSTANTIALLY REHABILITATING THE VACANT DWELLING IN COMPLIANCE WITH THE CODE AND LAWS APPLIED TO DWELLINGS;

(2) OCCUPYING THE DWELLING AFTER REHABILITATION AS THEIR PRINCIPAL RESIDENCE; AND

(3) SATISFYING OTHER REQUIREMENTS AS MAY BE PROVIDED IN A RESOLUTION OF THE BOARD OF ESTIMATES.

(C) TAX CREDIT GRANTED. IN ACCORDANCE WITH THE PROVISIONS OF SECTION 9-304 (C) OF THE TAX-PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, THERE IS HEREBY GRANTED A TAX CREDIT AGAINST THE BALTIMORE CITY REAL PROPERTY TAX IMPOSED ON A VACANT DWELLING OWNED AND OCCUPIED AS THE PRINCIPLE RESIDENCE BY A QUALIFYING OWNER.

(D) TAX CREDIT. A PROPERTY TAX CREDIT GRANTED UNDER THIS SECTION MAY NOT EXCEED THE AMOUNT OF CITY PROPERTY TAX IMPOSED ON THE INCREASED VALUE OF THE RESIDENTIAL REAL PROPERTY THAT IS DUE TO THE IMPROVEMENTS MADE TO THE PROPERTY IMMEDIATELY BEFORE THE OCCUPANCY PERMIT WAS ISSUED, MULTIPLIED BY:

(1) 100% FOR THE FIRST TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;

(2) 80% FOR THE SECOND TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;

(3) 60% FOR THE THIRD TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;

(4) 40% FOR THE FOURTH TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;

(5) 20% FOR THE FIFTH TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT; AND

(6) 0% FOR EACH TAXABLE YEAR THEREAFTER.

(E) APPLICATION.

(1) THE OWNER SHALL FILE AN APPLICATION FOR THIS TAX CREDIT WITH THE DIRECTOR OF FINANCE ANNUALLY ON OR BEFORE SEPTEMBER 1 OF THE TAXABLE YEAR FOR WHICH THE CREDIT IS SOUGHT.

(2) THE APPLICATION FOR THE TAX CREDIT SHALL CONTAIN INFORMATION THAT THE BOARD OF ESTIMATES

CONSIDERS NECESSARY FOR DETERMINING THE ELIGIBILITY OF THE APPLICANT.

(3) THE BOARD OF ESTIMATES MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

(F) PENALTY.

ANY APPLICANT WHO, FOR THE PURPOSE OF OBTAINING A TAX CREDIT UNDER THE PROVISIONS OF THIS SECTION, MAKES A FALSE STATEMENT ON THE APPLICATION SHALL BE GUILTY OF A MISDEMEANOR AND SHALL BE FINED NOT MORE THAN \$500.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on January 1, 1994, contingent on the taking effect of Chapter 583 (H.B. 1101) of the Acts of the General Assembly of 1993, and if Chapter 583 does not become effective, this ordinance shall be null and void without the necessity of further action by the City Council.

Approved July 2, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 235

(Council Bill No. 569)

AN ORDINANCE concerning

SPECIAL TRAFFIC ENFORCEMENT OFFICERS

FOR the purpose of authorizing the Police Commissioner to appoint Special Traffic Enforcement Officers; providing for the traffic control duties of Special Traffic Enforcement Officers within the boundaries of the "Downtown Commercial District"; providing for revocation of appointment; providing that Special Traffic Enforcement Officers shall not make arrests; and generally relating to the establishment of a program for Special Traffic Enforcement Officers.

BY authority

The Public Local Laws of Baltimore City (1979 Edition, as amended)

Subtitle 16 - Police Department

Section 16-16C

Article 4 - Public Local Laws of Maryland

Chapter 345 of the Acts of the General Assembly of 1993

BY adding

Article 19 - Police Ordinances

Section 240 to be under the new subtitle "Special Traffic Enforcement Officers"

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 19 - POLICE ORDINANCES

SPECIAL TRAFFIC ENFORCEMENT OFFICERS

240. APPOINTMENT; DUTIES.

(A) THE DIRECTOR OF PUBLIC WORKS SHALL FROM TIME TO TIME CERTIFY TO THE POLICE COMMISSIONER OF BALTIMORE CITY THE NAMES OF EMPLOYEES FOR APPOINTMENT BY THE POLICE COMMISSIONER AS SPECIAL TRAFFIC ENFORCEMENT OFFICERS.

(B) UPON APPOINTMENT, THE SPECIAL TRAFFIC ENFORCEMENT OFFICERS SHALL, WITHIN THE BOUNDARIES OF THE "DOWNTOWN COMMERCIAL DISTRICT" AUTHORIZED BY CHAPTER 604 OF THE ACTS OF THE GENERAL ASSEMBLY OF 1992 AND ARTICLE II SECTION 61 OF THE CHARTER OF BALTIMORE CITY (1964 REVISION, AS AMENDED) AND DESCRIBED IN ORDINANCE 57, APPROVED JUNE 29, 1992, HAVE THE SAME AUTHORITY TO CONTROL AND DIRECT PEDESTRIAN AND VEHICULAR TRAFFIC UNDER THE MARYLAND VEHICLE LAW AND THE BALTIMORE CITY ORDINANCES REGULATING MOTOR VEHICLES AS A POLICE OFFICER. SPECIAL TRAFFIC ENFORCEMENT OFFICERS SHALL HAVE NO POWER TO ISSUE CITATIONS FOR MOVING VIOLATIONS OTHER THAN FOR A FAILURE TO OBEY LAWFUL TRAFFIC DIRECTION AND CONTROL DEVICES.

(C) SPECIAL TRAFFIC ENFORCEMENT OFFICERS SHALL HAVE NO POWER TO MAKE ARRESTS.

(D) A RECORD OF THE APPOINTMENT OF SPECIAL TRAFFIC ENFORCEMENT OFFICERS SHALL BE KEPT BY THE POLICE COMMISSIONER AND ANY APPOINTMENT MAY BE REVOKED BY THE COMMISSIONER AT ANY TIME.

(E) THE FORM OF BADGE AND TYPE OF UNIFORM, IF ANY, WORN BY THE APPOINTED SPECIAL TRAFFIC ENFORCEMENT OFFICERS SHALL BE APPROVED BY THE POLICE COMMISSIONER.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved July 2, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 236

(Council Bill No. 583)

AN ORDINANCE concerning

MOTOR VEHICLE FUND OPERATING APPROPRIATION TRANSFER -
DEPARTMENT OF PUBLIC WORKS
TO COMMISSION ON AGING -\$80,000

FOR the purpose of transferring a Motor Vehicle Fund Operating appropriation in the amount of \$80,000 from the Department of Public Works (Program 515) to the Commission on Aging (Program 324).

BY authority of
Article VI - Board of Estimates
Section 2(i)
Baltimore City Charter (1964 Revision, as amended)

WHEREAS, Article VI, Section 2(i) of the Baltimore City Charter (1964 Revision, as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the

transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, The sum of \$80,000 was previously appropriated to Motor Vehicle Fund Operating funds in the Department of Public Works and said \$80,000 is now needed for use by the Commission on Aging; and

WHEREAS, The Motor Vehicle Fund Operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 26th day of May, 1993, all in accordance with Article VI, Section 2(i) of the Baltimore City Charter (1964 Revision, as amended).

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That under the provisions of Article VI, Section 2(i) of the 1964 revision of the Charter of Baltimore City, the sum of \$80,000 contained in the 1993 Ordinance of Estimates as a Motor Vehicle Fund Operating appropriation for the Department of Public Works Program (516) shall be transferred to the Commission on Aging (Program 324) The amount thus made available to the Commission on Aging will cover expenses for the Taxi Voucher Program.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved July 2, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 237

(Council Bill No. 543)

AN ORDINANCE concerning

MAYOR'S COMMISSION ON DISABILITIES

FOR the purpose of establishing the Mayor's Commission on Disabilities; providing for membership and organization of the Commission;

providing for duties; providing for certain reports; providing for a director and staff; and generally relating to the establishment of the Mayor's Commission on Disabilities.

BY adding

Article 1 - Mayor, City Council and Municipal Agencies
Section 240 - 246, inclusive, to be under the new subtitle "Mayor's
Commission on Disabilities"
Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY
COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code
(1983 Replacement Volume, as amended) be added, repealed, or
amended, to read as follows:

ARTICLE 1 - MAYOR, CITY COUNCIL, AND MUNICIPAL AGENCIES

MAYOR'S COMMISSION ON DISABILITIES

240. PURPOSE.

(A) IT IS THE PURPOSE OF THIS ~~SUBTITLE~~ COMMISSION TO:

(1) ADVISE THE CITY ON THE ACCESSIBILITY OF CITY
FACILITIES ,PROGRAMS, AND SERVICES FOR CITIZENS WITH
DISABILITIES;

(2) ASSIST THE CITY TO COMPLY WITH THE AMERICANS
WITH DISABILITIES ACT OF 1990; AND

(3) ~~PROVIDE INFORMATION AND EDUCATION PROGRAMS
AND ASSISTANCE TO GOVERNMENT, BUSINESSES, AND INDUSTRIES
ABOUT FEASIBLE ACCOMMODATIONS FOR EMPLOYMENT AND
OTHER ISSUES CONCERNING PERSONS WITH DISABILITIES.~~ ASSIST
THE CITY IN PROVIDING INFORMATION AND EDUCATION
PROGRAMS TO CITY GOVERNMENT, BUSINESSES AND INDUSTRIES
WITH REGARD TO REASONABLE ACCOMMODATIONS FOR
EMPLOYMENT AND OTHER ISSUES CONCERNING PERSONS WITH
DISABILITIES.

241. DEFINITIONS.

(A) AS USED IN THIS SUBTITLE THE FOLLOWING TERMS HAVE
THE MEANINGS INDICATED UNLESS THEIR CONTEXT CLEARLY

INDICATES OTHERWISE.

(1) "PERSON" MEANS AN INDIVIDUAL, RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND AND ANY PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY.

(2) "CITY" MEANS THE MAYOR AND CITY COUNCIL OF BALTIMORE, THE BODY CORPORATE AS ESTABLISHED BY THE CHARTER OF BALTIMORE CITY (1964 REVISION, AS AMENDED).

(3) "COMMISSION" MEANS THE MAYOR'S COMMISSION ON DISABILITIES.

~~(4) "DISABILITY" SHALL BE DEFINED AS SET FORTH IN SECTION 504 OF THE REHAB ACT OF 1973 (29 U.S.C. 794), AS AMENDED, REGARDING "HANDICAPPED PERSONS"; A PERSON IS WITHIN THE MEANING OF THIS SECTION IF THE PERSON:~~

~~(i) HAS A MENTAL OR PHYSICAL IMPAIRMENT WHICH SUBSTANTIALLY LIMITS ONE OR MORE OF SUCH PERSON'S MAJOR LIFE ACTIVITIES;~~

~~(ii) HAS A RECORD OF SUCH IMPAIRMENT; OR~~

~~(iii) IS REGARDED AS HAVING SUCH AN IMPAIRMENT.~~

~~(5) "MAJOR LIFE ACTIVITIES" SHALL INCLUDE FUNCTIONS SUCH AS CARING FOR ONE'S SELF, PERFORMING MANUAL TASKS, WALKING, SEEING, HEARING, SPEAKING, BREATHING, LEARNING, AND WORKING.~~

(4) ANY OTHER TERM USED IN THIS SUBTITLE SHALL BE DEFINED AS SUCH TERMS ARE DEFINED IN THE AMERICANS WITH DISABILITIES ACT OF 1990, AS AMENDED, AND THE FEDERAL REGULATIONS PROMULGATED PURSUANT THERETO, AS AMENDED.

242. COMMISSION ESTABLISHED.

THERE IS A MAYOR'S COMMISSION ON DISABILITIES.

COLLECT PARM 11/20/2005

243. SAME; MEMBERSHIP, PROVISIONS.

(A) MEMBERSHIP. THE COMMISSION SHALL CONSIST OF ~~35~~ 23 MEMBERS APPOINTED BY THE MAYOR PURSUANT TO ARTICLE IV, SECTION 6 OF THE BALTIMORE CITY CHARTER (1964 REVISION, AS AMENDED). ALL MEMBERS OF THE COMMISSION SHALL BE RESIDENTS OF BALTIMORE CITY.

(1) 9 MEMBERS SHALL BE PERSONS WITH DISABILITIES ~~WHO SHALL BE RESIDENTS OF BALTIMORE CITY~~ NOT EMPLOYED IN THE FIELD OF DISABILITIES;

(2) 3 MEMBERS SHALL BE FAMILY MEMBERS OF PERSONS WITH DISABILITIES ~~WHO ARE RESIDENTS OF BALTIMORE CITY;~~

(3) 9 MEMBERS SHALL BE REPRESENTATIVES OF BUSINESS, INDUSTRY, COMMUNITY ORGANIZATIONS, AND NON-PROFIT ORGANIZATIONS, AND ORGANIZATIONS REPRESENTING PERSONS WITH DISABILITIES NOT FEWER THAN THREE OF WHOM SHALL BE PERSONS WITH DISABILITIES;

(4) A MAYOR'S REPRESENTATIVE;

(5) A REPRESENTATIVE OF THE CITY COUNCIL; AND

(6) REPRESENTATIVES FROM THE FOLLOWING CITY AGENCIES AS MEMBERS OF THE COMMISSION WHO SHALL SERVE ~~EX OFFICIO~~ AS EX OFFICIO AND NON-VOTING MEMBERS:

(I) OCCUPATIONAL MEDICINE AND SAFETY;

(II) COMMISSION ON AGING AND RETIREMENT
EDUCATION;

(III) HEALTH DEPARTMENT;

(IV) DEPARTMENT OF RECREATION AND PARKS;

(V) DEPARTMENT OF PLANNING;

(VI) DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT;

(VII) OFFICE OF PROMOTION AND TOURISM;

(VIII) CIVIL SERVICE COMMISSION;

(IX) DEPARTMENT OF PUBLIC WORKS;

(X) LAW DEPARTMENT;

(XI) COMMUNITY RELATIONS COMMISSION; AND

(XII) DEPARTMENT OF EDUCATION.

(B) CITY COUNCIL DISTRICTS. OF THE MEMBERS APPOINTED IN PARAGRAPHS (1) AND (2), AT LEAST 1 SHALL BE APPOINTED FROM EACH OF THE 6 COUNCILMANIC DISTRICTS.

(C) TERMS. MEMBERS SHALL SERVE FOR A 4 YEAR TERM. THE INITIAL TERMS OF MEMBERS APPOINTED UNDER SUBSECTION (A) (1), (2), AND (3) SHALL BE STAGGERED; 8 SHALL SERVE A TERM OF 2 YEARS, 8 SHALL SERVE A TERM OF 3 YEARS, AND THE REMAINDER SHALL SERVE A TERM OF 4 YEARS AS DESIGNATED BY THE MAYOR.

(D) COMPENSATION. MEMBERS SHALL SERVE WITHOUT COMPENSATION.

(E) VACANCIES. (1) AT THE END OF A TERM AN APPOINTED MEMBER SERVES UNTIL A SUCCESSOR IS APPOINTED.

(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES OUT THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(F) MEETINGS; QUORUM. THE COMMISSION SHALL MEET ON THE CALL OF THE MAYOR OR CHAIR AS FREQUENTLY AS REQUIRED TO PERFORM ITS DUTIES, BUT NOT LESS THAN 6 TIMES EACH YEAR. A MAJORITY OF THE MEMBERS OF THE COMMISSION SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS AND AN AFFIRMATIVE VOTE BY THE MAJORITY OF A QUORUM SHALL BE SUFFICIENT FOR ANY OFFICIAL ACTION.

(G) RULES. THE COMMISSION MAY ADOPT RULES TO GOVERN ITS MEETINGS AND OPERATIONS.

(H) FAILURE TO ATTEND MEETINGS. ANY MEMBER WHO IS ABSENT FROM MORE THAN 25% OF THE SCHEDULED REGULAR

COLLEGE PARK LIBRARIES

MEETINGS, NOT COUNTING ABSENCES EXCUSED BY THE CHAIR, DURING ANY 6 MONTH PERIOD, SHALL BE CONSIDERED BY THE MAYOR TO HAVE RESIGNED AND SHALL BE SO NOTIFIED BY THE COMMISSION.

(I) OFFICERS. THE MAYOR SHALL DESIGNATE AN APPOINTED MEMBER, REPRESENTING THE MEMBERSHIP CATEGORY IN SECTION 243 (A)(1) AS CHAIR OF THE COMMISSION. THE CHAIRPERSON MAY SELECT OTHER OFFICERS.

(J) COMMITTEES. THE CHAIR OF THE COMMISSION MAY APPOINT COMMITTEES TO CARRY OUT THE FUNCTIONS AND DUTIES OF THE COMMISSION.

(K) REPRESENTATIVES OF STATE AGENCIES AND OTHER ORGANIZATIONS THAT SERVE THE INTERESTS OF THE DISABLED IN BALTIMORE CITY SHALL MAY BE INVITED BY THE COMMISSION TO PARTICIPATE IN COMMISSION MEETINGS.

244. DUTIES.

(A) THE COMMISSION SHALL:

- (1) ASSIST IN THE DEVELOPMENT OF A TRANSITION PLAN FOR THE CITY OF BALTIMORE TO ADDRESS COMMUNITY ACCESS TO FACILITIES, OPEN SPACES, AND COMMUNICATIONS, AND ADVISE THE MAYOR ON THE IMPLEMENTATION OF THE PLAN BY JANUARY 26, 1995;
- (2) ASSIST IN THE IDENTIFICATION AND EVALUATION OF ALL CITY PROGRAMS AND SERVICES THAT IMPACT THE MAJOR LIFE ACTIVITIES OF PERSONS WITH DISABILITIES;
- (3) RECOMMEND MODIFICATION OF SERVICES OR NEW SERVICES FOR PERSONS WITH DISABILITIES;
- (4) RESEARCH, ASSEMBLE, ANALYZE AND DISSEMINATE PERTINENT DATA AND EDUCATIONAL MATERIALS RELATING TO ACTIVITIES AND PROGRAMS WHICH WILL ASSIST IN MEETING THE NEEDS OF PERSONS WITH DISABILITIES;

- (5) WORK TO ELIMINATE DISCRIMINATION OF PERSONS WITH DISABILITIES;
- (6) IN CONSULTATION WITH THE OFFICE OF OCCUPATIONAL MEDICINE AND SAFETY AND THE COMMUNITY RELATIONS BOARD, INSTITUTE AND CONDUCT EDUCATIONAL PROGRAMS, MEETINGS AND CONFERENCES DESIGNED TO PROMOTE EQUAL RIGHTS AND OPPORTUNITIES FOR PERSONS WITH DISABILITIES;
- (7) COOPERATE WITH INTERESTED CITIZENS, GENERAL COMMUNITY, BUSINESS, PROFESSIONAL, TECHNICAL, EDUCATIONAL AND CIVIC ORGANIZATIONS IN FURTHERING THE INTERESTS OF PERSONS WITH DISABILITIES;
- (8) WORK JOINTLY WITH OTHER JURISDICTIONS ON CONDUCTING SIMILAR ACTIVITIES;
- (9) WORK TO REMOVE INEQUALITIES DUE TO UNMET NEEDS OR DISCRIMINATION ON THE BASIS OF DISABILITY IN THE AREAS OF HOUSING, RECREATION, EMPLOYMENT, EDUCATION, COMMUNITY SERVICES AND RELATED MATTERS;
- (10) COOPERATE AND COLLABORATE WITH ALL MUNICIPAL AGENCIES, INCLUDING THE OFFICE OF OCCUPATIONAL MEDICINE AND SAFETY AND THE COMMUNITY RELATIONS COMMISSION, TO AVOID DUPLICATION OF EFFORTS;
- (11) PROVIDE INFORMATION TO THE RESIDENTS OF THE CITY, THE MAYOR'S OFFICE, THE CITY COUNCIL AND VARIOUS OFFICES OF THE CITY, STATE AND FEDERAL GOVERNMENT ON MATTERS INVOLVING THE NEEDS OF PERSONS WITH DISABILITIES;
- (12) RECOMMEND PROGRAMS OR LEGISLATION AS NECESSARY TO PROMOTE AND INSURE EQUAL RIGHTS AND OPPORTUNITIES FOR ALL PERSONS WITH DISABILITIES;

- (13) WORK TO ASSURE THAT INFORMATION AND REFERRAL NEEDS ARE MET AND THAT INFORMATION ABOUT CITY PROGRAMS IS DISSEMINATED;
- (14) HOLD A PUBLIC FORUM AT LEAST YEARLY TO GIVE PERSONS WITH DISABILITIES AN OPPORTUNITY TO VOICE THEIR CONCERNS;
- (15) WORK TO ASSURE THE DEVELOPMENT OF AN EFFECTIVE DELIVERY SYSTEM OF PUBLIC, PRIVATE AND CONSUMER RESOURCES TO ALL PERSONS WITH DISABILITIES;
- (16) ASSIST ~~THE CENTRAL OFFICE FOR~~ THE DIRECTOR OF THE COMMISSION WITH REGARD TO INQUIRES, COMPLAINTS AND OTHER PROBLEMS WITH CITY SERVICES FOR PERSONS WITH DISABILITIES;
- (17) ASSIST IN THE COORDINATION OF STATE AND FEDERAL PROGRAMS AND SERVICES AVAILABLE TO THE CITY, BUSINESS, AND INDUSTRY; AND
- (18) PROVIDE OTHER ADVICE AS REQUESTED BY THE MAYOR, CITY COUNCIL, AND MUNICIPAL AGENCIES.

245. DIRECTOR; STAFF.

(A) IN CONSULTATION WITH THE COMMISSION, THE MAYOR SHALL APPOINT A DIRECTOR OF THE COMMISSION IN ACCORDANCE WITH ARTICLE IV, SECTION 6 OF THE BALTIMORE CITY CHARTER (1964 REVISION, AS AMENDED).

(B) THE DIRECTOR SHALL PERFORM DUTIES AS REQUIRED BY THE MAYOR TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

(C) STAFF MAY BE EMPLOYED IN ACCORDANCE WITH THE ORDINANCE OF ESTIMATES.

(D) THE ~~OFFICE~~ DIRECTOR MAY EXPEND FUNDS AUTHORIZED IN THE ORDINANCE OF ESTIMATES OR ANY SUPPLEMENTAL APPROPRIATIONS.

246. REPORTS.

THE COMMISSION SHALL SUBMIT AN ANNUAL REPORT TO THE MAYOR AND CITY COUNCIL WITHIN 2 MONTHS OF THE END OF THE FISCAL YEAR. THE COMMISSION SHALL SUBMIT REPORTS ON SPECIFIC SUBJECTS AT THE REQUEST OF THE MAYOR, CITY COUNCIL, OR MUNICIPAL AGENCIES.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved July 6, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 238

(Council Bill No. 492)

AN ORDINANCE concerning

CITY STREET - NAME ASSIGNMENT

FOR the purpose of assigning a name to a street east of Falls Road, between Harvest Road and Northern Parkway.

BY adding

Article 27 - Street Names

Section 20

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the name of the street east of Falls Road, between Harvest Road and Northern Parkway shall hereafter be known as Falls Road Terrace.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect ~~on the 30th day after the date of its enactment~~ when the Department of Public Works has secured the written consent to the name assignment from a majority of the abutting property owners.

Approved July 7, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 239

(Council Bill No. 494)

AN ORDINANCE concerning

ZONING - APPROVAL FOR CONDITIONAL USE
TWO DRIVE-IN RESTAURANTS WITH DRIVE-THROUGH WINDOWS -
5920-30 REISTERSTOWN ROAD

FOR the purpose of granting permission for the establishment,
maintenance and operation of two drive-in restaurants with drive-
through windows on the properties known as 5920-30
Reisterstown Road, as outlined in red on the plats accompanying
this ordinance.

BY authority of

Article 30 - Zoning

Sections ~~6.3-d~~ 6.3-1d and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION. 1. BE IT ORDAINED BY THE MAYOR AND CITY
COUNCIL OF BALTIMORE, That permission is hereby granted for the
establishment, maintenance and operation of two drive-in restaurants
with drive-through windows on the properties known as 5920-30
Reisterstown Road, as outlined in red on the plats accompanying this
ordinance, under the provisions of Sections ~~6.3-d~~ 6.3-1d and 11.0-6d of
Article 30 of the Baltimore City Code (1983 Replacement Volume, as
amended) titled "Zoning".

SEC. 2. AND BE IT FURTHER ORDAINED, That upon passage of
this ordinance by the City Council, as evidence of the authenticity of the
plat which is a part hereof and in order to give notice to the
departments which are administering the Zoning Ordinance, the
President of the City Council shall sign the plat and when the Mayor
approves the ordinance, he shall sign the plat. The Director of Finance
shall then transmit a copy of the ordinance and one of the plats to the
following: The Board of Municipal and Zoning Appeals, the Planning

Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved July 7, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 240

(Council Bill No. 514)

AN ORDINANCE concerning

ZONING CODE - NURSING HOMES

FOR the purpose of adding convalescent, nursing, and rest homes to the lists of conditional uses requiring an ordinance in the B-2, B-3, and B-5 Districts and deleting them from the lists of permitted uses in the B-3 and B-5 Districts.

BY adding

Article 30 - Zoning

Chapter 6 - Business Districts

Section 6.2-1d-13, 6-3-1d-16, 6.5-1d-11

Baltimore City Code (1983 Replacement Volume, as amended)

BY repealing

Article 30 - Zoning

Chapter 6 - Business Districts

Section 6.3-1b-19

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 30 - ZONING

Chapter 6 - Business Districts

6.2 B-2 Community Business District

1. Use Regulations

d. Notwithstanding other provisions of this ordinance, the following uses as conditional uses shall require authorization by ordinance of the Mayor and City Council subject to the requirements and provisions of Section 11.0-6d:

13. CONVALESCENT, NURSING, AND REST HOMES

6.3 B-3 Community Commercial District

1. Use Regulations

b. Permitted Uses.

[19. Convalescent, nursing, and rest homes]

d. Notwithstanding other provisions of this ordinance, the following uses as conditional uses shall require authorization by ordinance of the Mayor and City Council subject to the requirements and provisions of Section 11.0-6d:

16. CONVALESCENT, NURSING, AND REST HOMES

6.5 B-5 Central Commercial District

1. Use Regulations

d. Notwithstanding other provisions of this ordinance, the following uses as conditional uses shall require authorization by ordinance of the Mayor and City Council subject to the requirements and provisions of Section 11.0-6d:

11. CONVALESCENT, NURSING, AND REST HOMES

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved July 7, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 241

(Council Bill No. 527)

AN ORDINANCE concerning

ZONING - APPROVAL FOR CONDITIONAL USE HOUSING
FOR THE ELDERLY - 1508 HARFORD AVENUE

FOR the purpose of granting permission for the establishment, maintenance and operation of 27 units of housing for the elderly on the property known as 1508 Harford Avenue, as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30 - Zoning

Sections 6.1-1d-3 and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION. 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is hereby granted for the establishment, maintenance and operation of 27 units of housing for the elderly on the property known as 1508 Harford Avenue, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 6.1-1d-3 and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) titled "Zoning".

SEC. 2. AND BE IT FURTHER ORDAINED, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: The Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

COLLEGE PARK LIBRARIES

Approved July 7, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 242

(Council Bill No. 528)

AN ORDINANCE concerning

ZONING - APPROVAL FOR CONDITIONAL USE
HOME FOR HOMELESS PERSONS - 1205-1211 N. CHESTER STREET

FOR the purpose of granting permission for the establishment, maintenance and operation of a home for homeless persons for no more than 20 residents including supervisory staff on the properties known as 1205-1211 N. Chester Street, as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30 - Zoning

Sections 4.8-1d-2 and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION. 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is hereby granted for the establishment, maintenance and operation of a home for homeless persons for no more than 20 residents including supervisory staff on the properties known as 1205-1211 N. Chester Street, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 4.8-1d-2 and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) titled "Zoning".

SEC. 2. AND BE IT FURTHER ORDAINED, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: The Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and

Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved July 7, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 243

(Council Bill No. 535)

A ORDINANCE concerning

ISSUANCE OF HIGHWAY USER
REVENUE ANTICIPATION NOTES

FOR the purpose of increasing the maximum aggregate principal amount of revenue anticipation notes and refunding notes authorized to be issued by the Mayor and City Council of Baltimore pursuant to Ordinance No. 964 (Council Bill No. 1575) of the Mayor and City Council of Baltimore, approved and effective on June 22, 1983 (the "Ordinance"), from not exceeding Twenty-five Million Dollars (\$25,000,000) to not exceeding Sixty Million Dollars (\$60,000,000), making certain technical corrections to the covenants of the Mayor and City Council of Baltimore contained in the Ordinance relating to the excludability from gross income for purposes of federal income taxation of interest on the revenue anticipation notes and the refunding notes and amending the definition of "authorized highway related purposes" contained in the Ordinance.

BY amending Sections 2 and 11, adding a new Section 18, and renumbering Section 18 to be Section 19, of Ordinance No. 964, approved on June 22, 1983.

RECITALS

Ordinance No. 964 (Council Bill No. 1575) (the "Ordinance") of the Mayor and City Council of Baltimore (the "City"), approved by the

Mayor of the City on June 22, 1983, authorizes the issuance from time to time by the City of its revenue anticipation notes and refunding notes (as further defined in the Ordinance, the "Notes") in order to fund certain highway, street, traffic, police and related functions which are eligible for payment out of highway user revenues distributed to Baltimore City by the State of Maryland.

Because of certain events that have occurred since the passage of the Ordinance which affect the aggregate principal amount of Notes which may be required to be issued by the City for the public purposes authorized by the Ordinance, the City wishes to amend the Ordinance to increase from Twenty-five Million Dollars (\$25,000,000) to Sixty Million Dollars (\$60,000,000) the aggregate principal amount of Notes that may be issued under the Ordinance.

Because of certain changes in federal and state law which have occurred since the date of enactment of the Ordinance, the City wishes to make certain technical corrections to the City's covenant contained in the Ordinance with respect to the excludability from gross income for purposes of federal income taxation of the interest on the Notes and to change the definition of "authorized highway related purposes" contained in the Ordinance.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sections 2 and 11 of Ordinance No. 964, approved June 22, 1983, be and they are hereby amended to read as follows:

"SEC. 2. AND BE IT FURTHER ORDAINED, That, the issuance, sale and delivery of an amount not exceeding that permitted by the Temporary Loan Law and the Refunding Bond Enabling Act, but not outstanding at any one time in excess of [twenty-five million dollars (\$25,000,000)] SIXTY MILLION DOLLARS (\$60,000,000), aggregate principal amount of revenue anticipation notes and refunding notes, hereby designated 'Highway User Revenue Anticipation Notes' or 'Highway User Revenue Anticipation Refunding Notes' (the 'Notes') is hereby authorized, subject to the provisions of this Ordinance. The Notes may be issued in one or more series, and each such series shall be identified by a designation by year and by letter, so that, for example, the first series (if issued in 1983 and if the issuance of more than one series of Notes hereunder is then contemplated) shall be designated 'Highway User Revenue Anticipation Notes--1983 Series A'. The aggregate principal amount of Notes to be

issued pursuant to this Ordinance at any one time shall be determined by the Board of Finance by resolution adopted prior to the delivery of the Notes, however in any fiscal year, the amount of Notes outstanding at any one time shall not exceed the anticipated Highway User Revenues available to discharge the Notes as set forth in the Ordinance of Estimates applicable to that fiscal year (or any amending or supplemental ordinance thereto). Any Notes issued to refund prior issues or series of Notes, or parts thereof, shall replace that portion of the authorized amount of Notes previously issued and shall not be deemed to reduce the maximum authorized amount of Notes permitted under this Ordinance.

SEC. 11. AND BE IT FURTHER ORDAINED, That, the Mayor and the Chief, Bureau of Treasury Management shall be the officers of the City responsible for the issuance of the Notes (OR RESPONSIBLE OFFICERS OF THE CITY) within the meaning of [Section 1.103-13(a)(2)(ii)(C) of] the Arbitrage Regulations (defined herein). The Mayor and the Chief, Bureau of Treasury Management shall also be the officers of the City responsible for the execution and delivery (on the date of issuance of each series of Notes) of a certificate of the City (the 'Section [103(c)] 148 Certificate') which complies with the requirements of Section [103(c)] 148 of the Internal Revenue Code of [1954] 1986, as amended ('Section [103(c)] 148') and the applicable regulations thereunder (the 'Arbitrage Regulations'), and such officials are hereby authorized and directed to execute the Section [103(c)] 148 Certificate and to deliver such certificate to bond counsel on the date of the issuance of each series of Notes.

The City shall set forth in the Section [103(c)] 148 Certificate its reasonable expectations as to relevant facts, estimates and circumstances relating to the use of the proceeds of the series of Notes, or of any monies, securities or other obligations to the credit of any account of the City which may be deemed to be proceeds of the series of Notes pursuant to Section [103(c)] 148 or the arbitrage regulations (collectively, 'Note Proceeds'). The City covenants with each of the holders of any of the Notes that (i) the facts, estimates and circumstances set forth in the Section [103(c)] 148 Certificate will be based on the City's reasonable expectations on the date of issuance of the series of Notes and will be, to

the best of the certifying officials' knowledge, true and correct, as of that date.

The City covenants with each of the holders of any of the Notes that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of the Note Proceeds which would cause the Notes to be 'arbitrage bonds' within the meaning of Section [103(c)] 148 and the Arbitrage Regulations. The City further covenants that it will comply with Section [103(c)] 148 of the Internal Revenue Code of [1954] 1986, as amended, and the regulations thereunder which are applicable to the Notes on the date of issuance of the Notes and which may subsequently lawfully be made applicable to the Notes."

SEC. 2. AND BE IT FURTHER ORDAINED, That new Section 18 be added to Ordinance 964, approved June 22, 1983, to read as follows:

"SEC. 18. AND BE IT FURTHER ORDAINED, THAT, NOTWITHSTANDING ANY OTHER PROVISION OF THIS ORDINANCE, THE TERM 'AUTHORIZED HIGHWAY RELATED PURPOSES' SHALL MEAN THE FOLLOWING COSTS AND PURPOSES:

(1) COSTS INCURRED IN THE
CONSTRUCTION, RECONSTRUCTION, OR
MAINTENANCE OF HIGHWAYS AND STREETS;

(2) COSTS INCURRED BY THE POLICE
DEPARTMENT FOR CARRYING OUT TRAFFIC
FUNCTIONS AND ENFORCING THE TRAFFIC
LAWS;

(3) COSTS INCURRED IN OTHER HIGHWAY
RELATED ACTIVITIES FOR:

(I) LIGHTING THE HIGHWAYS;

(II) STORM WATER DRAINAGE OF
THE HIGHWAYS; AND

(III) STREET CLEANING, BUT NOT INCLUDING
THE COST OF COLLECTION OF GARBAGE, TRASH,
AND REFUSE;

(4) THE PAYMENT OF DEBT SERVICE ON BONDS OR OTHER EVIDENCES OF OBLIGATIONS FOR:

(I) THE CONSTRUCTION, RECONSTRUCTION, OR MAINTENANCE OF ~~ITS~~ HIGHWAYS AND STREETS; AND

(II) ANY OTHER HIGHWAY ACTIVITIES, INCLUDING LIGHTING THE HIGHWAYS AND PROVIDING STORM WATER DRAINAGE;

(5) THE COST OF ~~CERTAIN~~ TRANSPORTATION FACILITIES, AS DEFINED IN SECTION 3-101 OF THE TRANSPORTATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND;

(6) THROUGH FISCAL YEAR 1997, STUDENTS' COST OF DISCOUNTED MASS TRANSIT ADMINISTRATION FARES FOR ELIGIBLE PUBLIC SCHOOL STUDENTS IN BALTIMORE CITY; AND

(7) ANY OTHER PURPOSE FOR WHICH THE MAYOR AND CITY COUNCIL OF BALTIMORE IS AUTHORIZED BY APPLICABLE LAW, AS AMENDED FROM TIME TO TIME, TO USE HIGHWAY USER REVENUES DISTRIBUTED TO THE MAYOR AND CITY COUNCIL BY THE STATE OF MARYLAND."

SEC. 3. AND BE IT FURTHER ORDAINED, That Section 18 of Ordinance No. 964, of 1983, be renumbered to be Section 19.

SEC. 4. AND BE IT FURTHER ORDAINED, That Ordinance No. 964 approved June 22, 1983, as amended by this Ordinance, shall continue to remain in full force and effect.

SEC. 5. AND BE IT FURTHER ORDAINED, That this Ordinance shall take effect on the date of its enactment.

Approved July 7, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 244

(Council Bill No. 541)

AN ORDINANCE concerning

TRADEMARKS - UNAUTHORIZED SALES

FOR the purpose of prohibiting the manufacture and sale of any article containing reproduction, copy, counterfeit, or colorable imitation of a trademark protected by law; defining certain terms; providing for a hearing and a penalty; and terminating this ordinance as of a certain date.

BY adding

Article 19 - Police Ordinances

Section 240-244, inclusive, to be under the new subtitle

"Unauthorized Trademark Sales"

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 19 - POLICE ORDINANCES

UNAUTHORIZED TRADEMARK SALES

240. PURPOSE.

(A) THE COUNCIL HEREBY FINDS AND DECLARES THAT:

(1) RESTRICTING THE UNAUTHORIZED USE OF TRADEMARKS IS IN THE INTEREST OF PRESERVING AND PROTECTING THE PUBLIC HEALTH, SAFETY, MORALS AND WELFARE OF THE CITIZENS OF BALTIMORE.

(2) INDIVIDUALS, CORPORATIONS AND VENDORS ARE CURRENTLY DEALING IN COUNTERFEIT MERCHANDISE AND THE UNAUTHORIZED USE OF TRADEMARKS.

(3) EXISTING LEGISLATION AFFORDS INADEQUATE PROTECTION AGAINST TRADEMARK INFRINGEMENT.

(4) THE COUNCIL HAS GENERAL AUTHORITY UNDER THE CHARTER OF BALTIMORE CITY, ARTICLE II, SECTION 27, POLICE POWER, TO PROTECT AGAINST TRADEMARK INFRINGEMENT AS AN EXERCISE OF THE POLICE POWER.

(B) IT IS THEREFORE THE PURPOSE OF THIS AMENDMENT TO IMPOSE CRIMINAL PENALTIES FOR THE UNAUTHORIZED USE OF TRADEMARKS.

241. DEFINITIONS.

(A) AS USED IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED UNLESS THEIR CONTEXT CLEARLY INDICATES OTHERWISE.

(1) "ARTICLE" INCLUDES ANY GOOD, SERVICE, ADVERTISING, OBJECT, PRODUCT, MATERIAL, DEVICE OR SUBSTANCE OR A COPY THEREOF, INCLUDING A WRITING, RECORDING, DRAWING, SAMPLE, PHOTOGRAPH, OR PRINT.

(2) "TRADEMARK" MEANS ANY WORD, NAME, SYMBOL OR DEVICE ADOPTED AND USED BY A PERSON TO IDENTIFY AN ARTICLE OR SERVICE MADE OR SOLD BY HIM AND TO DISTINGUISH THEM FROM THE ARTICLES OR SERVICES MADE OR SOLD BY OTHERS.

242. UNAUTHORIZED TRADEMARK SALES.

IT SHALL BE UNLAWFUL IN BALTIMORE CITY FOR ANY PERSON, INCLUDING ANY PERSON LICENSED UNDER ARTICLE 15, §100 OR ARTICLE 15, §101 OF THIS CODE, TO MANUFACTURE FOR A COMMERCIAL PURPOSE, DISTRIBUTE, SELL OR OFFER FOR WHOLESALE OR RETAIL SALE ANY ARTICLE CONTAINING A REPRODUCTION, COPY, COUNTERFEIT OR COLORABLE IMITATION OF A TRADEMARK PROTECTED BY FEDERAL REGISTRATION UNDER 15 U.S.C., §1051, ET.SEQ., BY STATE REGISTRATION UNDER MARYLAND ANNOTATED CODE, BUSINESS REGULATION ARTICLE,

§1-401, ET.SEQ., OR BY COMMON LAW WITHOUT THE CONSENT OF THE OWNER OF SUCH MARK.

243. PENALTY.

ANY INDIVIDUAL WHO VIOLATES THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR AND PUNISHED BY A FINE NOT EXCEEDING \$500 OR BY IMPRISONMENT FOR NOT MORE THAN 12 MONTHS, OR BOTH.

244. SEIZURE OF EVIDENCE.

(A) ALL ARTICLES OFFERED FOR SALE IN VIOLATION OF THIS SECTION AND THEIR MEANS OF PRODUCTION SHALL BE SEIZED BY THE BALTIMORE CITY POLICE DEPARTMENT AS EVIDENCE OF THE VIOLATION. ~~WHEN A CITATION UNDER THIS SECTION IS ISSUED.~~

(B) UPON THE REQUEST OF THE OWNER OF ANY ARTICLE SEIZED UNDER THIS SECTION, THE BALTIMORE CITY POLICE DEPARTMENT SHALL HOLD A TIMELY HEARING TO DETERMINE IF THE ARTICLE SEIZED IS BEING WRONGFULLY WITHHELD. IF THE HEARING OFFICER DETERMINES THAT THE ARTICLE IS BEING WRONGFULLY WITHHELD AFTER THERE IS NO FURTHER NEED FOR RETENTION OF THE PROPERTY, THE ARTICLE SHALL BE RESTORED TO THE PERSON FROM WHOM IT WAS TAKEN.

~~(B)~~ (C) UPON CONVICTION OR OTHER DETERMINATION BY A COURT OF COMPETENT JURISDICTION THAT THE SEIZED ARTICLES ARE IN VIOLATION OF THIS SECTION, THE COURT SHALL ORDER THE DESTRUCTION OF THE ARTICLES AND THEIR MEANS OF PRODUCTION OR, AFTER OBLITERATION OR REMOVAL OF THE OFFENDING TRADEMARK, TRANSFER OF THE ARTICLES TO AN ELEMOSYNARY INSTITUTION, OR ANY APPROPRIATE PERSON OTHER THAN THE PERSON FROM WHOM THE ARTICLES WERE OBTAINED.

SEC. 2. AND BE IT FURTHER ORDAINED, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this ordinance, or the application thereof to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining

provisions of this ordinance without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof so held invalid.

SEC. 2 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment. It shall remain in effect until December 31, 1993 at which time, with no further action required by the Mayor and City Council, this Ordinance shall be abrogated and of no further force and effect.

Approved July 7, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 245

(Council Bill No. 555)

AN ORDINANCE concerning

STREET ENCROACHMENT - 10 S. HOWARD STREET

FOR the purpose of authorizing the construction and maintenance of footings, facia, structural walls, and cornices projecting into the public right-of-way on the Baltimore Street side of the property known as 10 S. Howard Street.

BY authority

Article 32 - Building Code

Subtitle - Article 5 - General Building Limitations

Section 507.1, 507.6, 507.8

Baltimore City Building Code (1990 Edition, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the construction and maintenance of footings, facia, structural walls, and cornices projecting into the public right-of-way on the Baltimore Street side of the property known as 10 S. Howard Street are hereby authorized.

The footings and structural walls shall project approximately 1 foot and the cornice on the 11th floor of the building shall project approximately 3 feet 7 inches into the right-of-way, both for the length

of the building or approximately 78 feet, 6 inches. The four columns with their marble facia shall project approximately 1 foot into the right-of-way.

Except as specifically provided in this ordinance, all ordinances and all rules and regulations of the Mayor and City Council of Baltimore shall be complied with in the construction and maintenance of these structures.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved July 7, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 246

(Council Bill No. 11)

AN ORDINANCE concerning

ELECTED OFFICIALS - COMPENSATION COMMISSION

FOR the purpose of creating a Commission on Compensation of Elected Officials; providing for its composition, powers and duties; and making the provisions of this ordinance severable.

BY adding to

Article 1 - Mayor, City Council, and Municipal Agencies

Subtitle - to be under the new subtitle "Compensation Commission
for Elected Officials"

Sections 10A, 10B

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 1 - MAYOR, CITY COUNCIL, AND MUNICIPAL AGENCIES

COMPENSATION COMMISSION FOR ELECTED OFFICIALS

10A. DEFINITIONS.

AS USED IN THE SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED UNLESS THE CONTEXT CLEARLY REQUIRES A DIFFERENT MEANING.

(A) "COMMISSION" MEANS THE COMPENSATION COMMISSION FOR ELECTED OFFICIALS.

(B) "ELECTED OFFICIAL" MEANS THE MAYOR, THE PRESIDENT OF THE CITY COUNCIL, CITY COUNCIL MEMBERS, AND THE COMPTROLLER.

10B. COMMISSION CREATED; COMPOSITION, POWERS, DUTIES.

(A) THERE IS A COMPENSATION COMMISSION FOR ELECTED OFFICIALS.

(B) THE PURPOSE OF THE COMMISSION IS TO PROVIDE INFORMATION, EVALUATION, AND RECOMMENDATIONS CONCERNING COMPENSATION AND PENSION BENEFITS OF ELECTED OFFICIALS TO THE MAYOR AND CITY COUNCIL.

(C) (1) THE COMMISSION SHALL BE COMPOSED OF 5 MEMBERS APPOINTED BY THE MAYOR IN ACCORDANCE WITH ARTICLE IV, SECTION 6 OF THE BALTIMORE CITY CHARTER.

(2) THE COMMISSION CONSISTS OF THE DIRECTOR OF FINANCE AND THE LABOR COMMISSIONER, EX OFFICIO AND THE FOLLOWING:

(I) ONE REPRESENTATIVE FROM THE BUSINESS COMMUNITY; AND

(II) TWO PRIVATE CITIZENS OF BALTIMORE CITY HAVING KNOWLEDGE OF GOVERNMENT AND GOVERNMENT FINANCING.

(3) THE MAYOR SHALL APPOINT THE CHAIR FROM AMONG THE APPOINTED MEMBERS.

(4) TWENTY-FOUR MONTHS AFTER THE MAYOR, THE PRESIDENT OF THE CITY COUNCIL, THE COMPTROLLER AND THE CITY COUNCIL ARE SWORN INTO OFFICE, THE TERM OF THE COMMISSION BEGINS.

(5) THE COMMISSION SHALL EXPIRE 12 MONTHS AFTER THE DATE OF ITS FIRST MEETING.

(D) AN APPOINTMENT TO A VACANCY TO COMPLETE AN UNEXPIRED TERM SHALL BE FOR THE REMAINDER OF THAT TERM.

(E) A MAJORITY OF THE MEMBERS OF THE COMMISSION CONSTITUTES A QUORUM.

(F) THE MEMBERS OF THE COMMISSION SHALL RECEIVE NO COMPENSATION AS MEMBERS OF THE COMMISSION, BUT MAY BE REIMBURSED FOR ACTUAL EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

(G) THE COMMISSION MAY ADOPT RULES TO GOVERN ITS MEETINGS AND OPERATION.

(H) ALL MEETINGS OF THE COMMISSION SHALL COMPLY WITH THE STATE OPEN MEETINGS LAW.

(I) THE COMMISSION SHALL:

(1) EVALUATE THE COMPENSATION OF ELECTED OFFICIALS INCLUDING SALARIES, PENSION BENEFITS, AND OTHER PERSONNEL COSTS;

(2) MAKE RECOMMENDATIONS ON THE COMPENSATION TO BE RECEIVED BY ELECTED OFFICIALS COMMENCING WITH THEIR NEW TERMS OF OFFICE ON OR BEFORE AUGUST 1ST OF THE YEAR OF THE FORMATION OF THE COMMISSION.

(3) KEEP A RECORD OF ITS PROCEEDINGS, WHICH SHALL BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE; AND

(4) ADVISE THE MAYOR AND CITY COUNCIL ON QUESTIONS RELATING TO COMPENSATION FOR ELECTED OFFICIALS.

SEC. 2. AND BE IT FURTHER ORDAINED, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part of this ordinance is invalid, the remaining provisions and application of such provisions shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this ordinance without the word, phrase, clause, sentence, paragraph, section or part of the application thereof so held invalid.

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved July 8, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 247

(Council Bill No. 365)

AN ORDINANCE concerning

SECOND-HAND PERSONAL PROPERTY DEALERS

FOR the purpose of providing that not-for-profit second-hand personal property dealers are not subject to the Second-Hand Personal Property Dealers license fee.

BY repealing and reordaining with amendments

Article 19 - Police Ordinances

Subtitle - Second-Hand Personal Property Dealers

Section 48C

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 19 - POLICE ORDINANCES

Second-Hand Personal Property Dealers

48C. License fee.

(A) Each person, firm or corporation dealing in second-hand personal property, consignment goods, or antiques within the City of Baltimore shall pay for the privilege of conducting such business by first taking out an annual license therefor and paying an annual license fee in the amount of \$50 for each place of business. Said license shall be granted by the Director of Finance. The annual license fee hereby imposed shall be collectible pursuant to the provisions of Sections 88 and 108 of Article 15 of this Code. The license issued to the owner or operator of a collective shall fulfill the license requirements for all member dealers in the collective.

(B) A second-hand personal property dealer, antique dealer, consignment goods dealer who is also subject to the licensing provisions relating to junk dealers, shall pay only the annual license fee for junk dealers.

(C) NOTHING IN THIS SECTION SHALL APPLY TO A PERSON, FIRM, OR CORPORATION ~~WHICH DOES NOT BUY OR SELL WITH A VIEW TO PROFIT IN THE PROSECUTION OF A REGULAR TRADE OR BUSINESS~~ THAT IS EXEMPT OR ELIGIBLE FOR EXEMPTION FROM TAXATION UNDER SECTIONS 501(C)(3) AND 501(C)(4) OF THE INTERNAL REVENUE CODE.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved July 8, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 248

(Council Bill No. 401)

AN ORDINANCE concerning

CITY PROPERTY SALE - STUART RIDGELY PLAYGROUND

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell at either public or private sale all of the interest

of the Mayor and City Council of Baltimore in and to a certain parcel of land situated on Hillen Road (formerly Stuart Ridgely Playground), said parcel of land and improvements being no longer needed for public use.

BY authority of

Article V - Comptroller

Section 5(b)

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Comptroller of Baltimore City be and she is hereby authorized to sell, at either public or private sale in accordance with Article V, Section 5(b) of the City Charter (1964 Revision, as amended), all of the interest of the Mayor and City Council of Baltimore in and to a certain parcel of land situated on Hillen Road and described as follows:

Beginning for the same to a Bronze State Monument stamped M.S.C. 100, said point being on the East side of Hillen Road (120 feet wide) and having the coordinates North 16237.10 and East 8140.94 (referred to the Baltimore City Coordinate System); thence with East side of Hillen Road South $16^{\circ} 21'40''$ West 471.44 feet to concrete monument found at the Northwest corner of the Turner Armory property; thence with the North line of said property South $84^{\circ}26'25''$ East 340.84 feet to an Iron Pipe found; thence North $42^{\circ}45'00''$ East 216.29 feet to an Iron Pipe found on the North side of a 30 foot lane thence with said North side North $47^{\circ}15'$ West 481.06 feet to the place of beginning, containing 3.006 acres+.

Being that property shown as Lot 4 on sheet 1 of 13 of Baltimore City Block 5387 dated January, 1972.

Said property being no longer needed for public use.

All courses and distances in the above description are referred to as true meridian as adopted by the Baltimore Survey Control System.

SEC. 2. AND BE IT FURTHER ORDAINED, That no deed or deeds shall pass in accordance herewith until the same shall have been approved by the City Solicitor.

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved July 8, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 249

(Council Bill No. 431)

AN ORDINANCE concerning

ELECTED OFFICIALS' RETIREMENT SYSTEM

FOR the purpose of amending the provisions relating to the definition of current annual compensation for any member whose position or title is abolished and to ordinary disability retirement benefits.

BY repealing and reordaining with amendments

Article 22 - Retirement Systems

Subtitle - Elected Officials' Retirement System

Sections 17A, 22(e)

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 22 - RETIREMENT SYSTEMS

Elected Officials' Retirement System

17A. Definitions.

(9) 'Current annual earnable compensation' shall mean the current annual compensation authorized for that elected position and shall include any future increase occurring after the retirement of the official, which shall, after retirement, index benefits paid under this system subject to applicable reduction for any optional retirement allowance selection.

IF THE POSITION OR CLASS OF ANY ELECTED OFFICIAL IS ABOLISHED AND A NEW POSITION OR CLASS IS CREATED, THEN,

THE CURRENT ANNUAL EARNABLE COMPENSATION AUTHORIZED FOR THE NEW POSITION OR CLASS, INCLUDING ANY FUTURE INCREASES, SHALL BE USED TO INDEX BENEFITS OF RETIRED MEMBERS WHO HELD OFFICE IN THE ABOLISHED POSITION OR CLASS. PROVIDED, FURTHERMORE, IF A NEW POSITION OR CLASS IS NOT CREATED, THEN FUTURE INCREASES TO RETIREMENT BENEFITS SHALL BE INDEXED TO THE FUTURE COMPENSATION PERCENTAGE INCREASES TO THE POSITION OF MAYOR OF THE CITY OF BALTIMORE.

22. Benefits.

(e) Allowance on ordinary disability retirement. Upon retirement for ordinary disability ON OR AFTER OCTOBER 16, 1992, a member [shall be entitled to receive the maximum service retirement allowance if he has acquired at least twelve (12) years of service credit and fifty (50) years of age or more or sixteen (16) or more years of service credit; otherwise he] shall be entitled to receive the maximum ordinary disability retirement allowance which shall [consist of:] BE THE GREATER OF:

[the greater of:]

(1) an annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement, and a pension which together with this annuity shall be equal to the annual amount of his accrued service retirement allowance; or

(2) a total retirement allowance [consisting] of twenty-five percent (25%) of the current annual earnable compensation applicable to that office.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved July 8, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 250

(Council Bill No. 432)

AN ORDINANCE concerning

EMPLOYEE'S RETIREMENT SYSTEM

FOR the purpose of amending the provisions relating to ordinary disability retirement benefits.

BY repealing and reordaining with amendments

Article 22 - Retirement Systems

Subtitle - Employees' Retirement System

Section 6(c)(1), 9(i)

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 22 - RETIREMENT SYSTEMS

Employees' Retirement System

6. Benefits.

(c) Ordinary disability retirement benefit for any Class A or Class B member who was an employee on or after June 29, 1989. Any Class A or Class B member who has acquired five (5) or more years of service and who has been determined by a hearing examiner to be mentally or physically incapacitated for the further performance of the duties of his job classification in the employ of Baltimore City, and that such incapacity is likely to be permanent, shall be retired by the Board of Trustees on an ordinary disability retirement, not less than thirty (30) and not more than ninety (90) days next following the date of filing his application for ordinary disability retirement benefits.

(1) Upon retirement for ordinary disability ON OR BEFORE OCTOBER 15, 1992, a Class A or Class B member shall be entitled to receive the maximum service retirement allowance if he has attained the age of sixty (60); otherwise, he shall be entitled to receive the maximum ordinary disability retirement allowance which shall consist of:

[(1)](I) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement; and

[(2)](II) A pension, which together with his annuity, shall provide a total retirement allowance equal to one and eighty-five hundredths of one percent (1.85%) of his average final compensation in the case of Class A members, and one and seven tenths of one percent (1.70%) of his average final compensation in the case of Class B members, multiplied by the number of years of his service. [if such retirement allowance exceeds twenty-five percent (25%) of his average final compensation; otherwise, a pension, which together with his annuity, shall provide a total retirement allowance equal to one and eighty-five hundredths of one percent (1.85%) of his average final compensation in the case of Class A members, and one and seven tenths of one percent (1.70%) of his average final compensation in the case of Class B members, multiplied by the number of years which would be credited to him were his service to continue until the attainment of age sixty (60), so far as the resulting total retirement allowance shall not exceed twenty-five percent (25%) of his average final compensation.] However, for members who terminate employment with the City before June 29, 1990, the preceding sentence shall be read by substituting "one and eighty-four hundredths of one percent (1.84%)" for "one and eighty-five hundredths of one percent (1.85%)", and by substituting "one and sixty-nine hundredths of one percent (1.69%)" for "one and seven tenths of one percent (1.70%)".

(III) The additional annuity provided as the result of voluntary excess contributions under Sections 8(a)(2) and 8(a)(4) shall be payable and shall not be used in determining the ordinary disability pension under this subsection.

(IV) IF THE RETIREMENT ALLOWANCE COMPUTED IN PARAGRAPH (C)(1) OF THIS SECTION IS LESS THAN 25% OF THE MEMBER'S AVERAGE FINAL COMPENSATION, THEN SUBSTITUTE FOR THE MEMBER'S ACTUAL YEARS OF SERVICE THE NUMBER OF YEARS OF SERVICE WHICH WOULD BE CREDITED TO THE MEMBER WERE HIS SERVICE TO CONTINUE UNTIL THE ATTAINMENT OF AGE SIXTY. THE RESULTING TOTAL RETIREMENT ALLOWANCE SHALL NOT EXCEED 25% OF THE MEMBER'S AVERAGE FINAL COMPENSATION.

(2) UPON RETIREMENT FOR ORDINARY DISABILITY ON OR AFTER OCTOBER 16, 1992, A CLASS A OR CLASS B MEMBER

SHALL BE ENTITLED TO RECEIVE THE MAXIMUM ORDINARY DISABILITY RETIREMENT ALLOWANCE WHICH SHALL CONSIST OF:

(I) AN ANNUITY WHICH SHALL BE THE ACTUARIAL EQUIVALENT OF HIS ACCUMULATED CONTRIBUTIONS AT THE TIME OF RETIREMENT; AND

(II) A PENSION, WHICH TOGETHER WITH HIS ANNUITY, SHALL PROVIDE A TOTAL RETIREMENT ALLOWANCE EQUAL TO ONE AND EIGHTY-FIVE HUNDREDTHS OF ONE PERCENT (1.85%) OF HIS AVERAGE FINAL COMPENSATION IN THE CASE OF CLASS A MEMBERS, AND ONE AND SEVEN TENTHS OF ONE PERCENT (1.70%) OF HIS AVERAGE FINAL COMPENSATION IN THE CASE OF CLASS B MEMBERS, MULTIPLIED BY THE NUMBER OF YEARS OF HIS SERVICE.

(III) THE ADDITIONAL ANNUITY PROVIDED AS THE RESULT OF VOLUNTARY EXCESS CONTRIBUTIONS UNDER SECTIONS 8(A)(2) AND 8(A)(4) SHALL NOT BE USED IN DETERMINING THE ORDINARY DISABILITY PENSION UNDER THIS SUBSECTION.

(IV) PROVIDED, HOWEVER, NOT WITHSTANDING ANYTHING TO THE CONTRARY, NO MEMBER ELIGIBLE FOR RETIREMENT UNDER THE PROVISIONS OF PARAGRAPH (C)(2) OF THIS SECTION SHALL RECEIVE AN ORDINARY DISABILITY ALLOWANCE OF LESS THAN 25% OF HIS AVERAGE FINAL COMPENSATION.

9. Class C membership.

(i) Ordinary disability retirement benefit. Any Class C member who has acquired (5) or more years of service [and who has not attained the age of sixty (60),] and who has been determined by a hearing examiner to be mentally or physically incapacitated for the further performance of the duties of the member's job classification in the employ of the City, and that such incapacity is likely to be permanent, may be retired on an ordinary disability retirement.

If the hearing examiner determines that the member has suffered any permanent disability which prevents the member from the further performance of the duties of the member's job classification in the employ of the City of Baltimore, the City shall within thirty (30) days of the expiration of the appeal period as provided in Section 9(p), or, if an appeal is taken, within thirty (30) days of the final determination of all

appeals, refer the member to the Civil Service Commission for vocational counseling and job evaluation to determine whether the member is suitable for re-employment with the City in another position at the same rate of compensation as he was receiving in his last position.

During the period such member is being counseled, he shall temporarily receive the ordinary disability benefits under this section until such time as the Civil Service Commission has determined that either the member is suitable for re-employment in another position or that the City cannot offer any alternative employment. If the determination by the Civil Service Commission is that the member is re-employable, the member shall either be re-employed within one year and the award of ordinary disability benefits terminated, or else the member shall be retired on ordinary disability retirement subject to the other provisions of this subtitle. If the determination by the Civil Service Commission is that the member is not re-employable, the member shall be retired on ordinary disability retirement subject to the other provisions of this subtitle.

If the member is aggrieved by the determination of the Civil Service Commission and refuses to accept the offer of re-employment, he may appeal to the Panel of Hearing Examiners. The hearing examiner shall determine whether the member is capable of performing the duties of the position offered. If the hearing examiner's determination is that the member cannot perform the duties of the position offered, the member shall be retired on ordinary disability retirement subject to the other provisions of this subtitle. If the hearing examiner determines that the member is capable of performing the duties of the position offered, and the member again refuses the offer of re-employment, the award of ordinary disability benefits shall be terminated.

(1) Upon retirement for ordinary disability ON OR BEFORE OCTOBER 15, 1992, a member WHO HAS NOT ATTAINED THE AGE OF SIXTY shall be entitled to receive a maximum pension equal to the pension determined in accordance with Section 9(e) as if he remained employed by the City until the normal retirement date, age sixty-five (65), multiplied by the greater of:

(i) a fraction, the numerator of which shall be the number of years (and fractions thereof) of his service prior to the time he ceased to be employed by the City, and the denominator of which shall be the number of

years (and fractions thereof) of service that he would have had if HE had continued to be employed by the City until his normal retirement date, age sixty-five (65); or

(ii) one-half.

However, the ordinary disability benefit provided for under this subsection, shall not be greater than the early retirement benefit a member would be entitled to receive at age sixty (60), as if he remained employed until that time, and based upon the assumption that there would be no change in his average final compensation.

[For purposes of this Section 9(i), the last sentence of Sections 9(e)(1) and 9(e)(2) shall not apply with respect to employment by the Fire Department of a member to perform duties as or substantially similar to a paramedic (including a cardiac rescue technician) or paramedic assistant. When determining the ordinary disability benefit under this Section 9(i), the member's Primary Social Security Benefit shall be multiplied by a fraction, the numerator of which shall be the number of years and fractions thereof of his service prior to the time he ceased to be employed by the City and during which he had Old-Age, Survivor's and Disability Insurance taxes (as described in Section 3111(a) of the Internal Revenue Code of 1986, as amended) paid on his behalf by the City, and the denominator of which is the total number of years and fractions thereof of his service prior to the time he ceased to be employed by the City.]

(2) UPON RETIREMENT FOR ORDINARY DISABILITY ON OR AFTER OCTOBER 16, 1992, A MEMBER SHALL BE ENTITLED TO RECEIVE A MAXIMUM PENSION WHICH SHALL BE EQUAL TO THE GREATER OF:

(I) THE MEMBER'S ACCRUED SERVICE RETIREMENT BENEFIT, AS DETERMINED IN ACCORDANCE WITH SECTION 9(E); OR

(II) 15% OF THE MEMBER'S AVERAGE FINAL COMPENSATION.

[(1)](3) For purposes of determining the benefit under this Section 9(i), the offset of the Primary Social Security Benefit will be calculated on the assumption that the member would have continued to

receive until his normal retirement date, age sixty-five (65), compensation at the rate in effect at the time of his retirement.

[(2)](4) Offset to ordinary disability retirement benefit. There shall be offset from any ordinary disability retirement benefit payable:

(i) The full amount of any benefit or payment currently payable on or after ordinary disability retirement on account of unemployment compensation insurance under any Federal, State or City law, when the City either pays the cost of said benefit by means of the reimbursement method or the City's experience rate is affected as a result of the taxing method.

(ii) Effective with the date beginning five (5) years prior to the date of the member's retirement on ordinary disability, the full amount of any past or future benefit or payment which may be paid or payable by the City of Baltimore under the provisions of any workmen's compensation or similar law for any permanent disability, whether partial or total, or for death. The benefits under said workmen's compensation or similar law shall be offset dollar for dollar, pro tanto, from the benefits otherwise payable from funds provided by the City of Baltimore under this subtitle, and such benefits so reduced shall be payable under the provisions of this subtitle.

[(3)](5) Re-examination. The Panel of Hearing Examiners may, at its discretion, but not more frequently than once in any one year, require any retired Class C member, who is receiving an ordinary disability retirement benefit and who has not yet attained age sixty-five (65), to undergo a medical examination to determine whether the retiree has become fit to resume the duties of his former job classification. Such examination shall be made in the place of residence of said retiree, or other place mutually agreed upon by the retiree and a physician or physicians designated by the Panel of Hearing Examiners. The examining physician shall report his findings to the Panel of Hearing Examiners. If, in the opinion of the examining physician, said retiree is able to resume said duties, the Medical Services Division of the Civil Service Commission or applicable departmental physician shall thereafter conduct a re-examination of said retiree at a reasonable site determined by the Medical Services Division; and if it concurs in the

opinion of the examining physicians, it shall certify to the Panel of Hearing Examiners that said retiree is fit to perform the duties of his former job classification. If the examining physicians' opinions do not concur, the Panel of Hearing Examiners shall schedule a hearing to determine the fitness of a retiree to perform the duties of his former job classification. The Panel of Hearing Examiners shall thereafter submit its determination to the head of the department in which the retiree was employed prior to retirement, and in the case of classified employees, to the Civil Service Commission. For purposes of re-employment, the retiree shall be treated by the head of his department and by the Civil Service Commission as if he were an employee on leave of absence without pay. Until actually reemployed, the retiree shall continue to receive his ordinary disability retirement benefit.

A retiree on ordinary disability retirement who has been certified as fit to perform the duties of his former job classification and is restored to active service at a compensation not less than the rate of annual compensation being paid currently to persons in the same grade and step as the retiree was at the time of disability retirement, shall cease to receive ordinary disability retirement benefits. The retiree shall again become a Class C member of the retirement system. Any previous service credit on the basis of which service was computed at the time of ordinary disability retirement shall be restored to full force and effect; and in addition, upon the retiree's subsequent retirement, all service as a member shall be credited.

A retiree on ordinary disability retirement may voluntarily accept employment with the City at a compensation less than the rate of annual compensation being paid currently to persons in the same grade and step as the retiree was at the time of disability retirement. Said retiree shall cease to receive the ordinary disability retirement benefits and shall again become a Class C member of the retirement system. Any previous service credit on the basis of which service was computed at the time of ordinary disability retirement shall be restored to full force and effect; and in addition, upon the retiree's subsequent retirement, all service as a member shall be credited and the retirement benefits awarded shall not be less than the ordinary disability retirement benefits previously received. If such retiree terminates employment with the City before being eligible for any service retirement benefits, the ordinary disability retirement benefit the retiree was previously receiving shall be restored to full force and effect.

Should a retiree on ordinary disability retirement who has been certified as fit to perform the duties of his former job classification

refuse to accept an offer of re-employment by the City involving duties in the nature of those performed prior to retirement and at a salary not less than the rate of annual compensation being paid currently to persons in the same grade and step as the retiree was at the time of disability retirement, all rights in and to ordinary disability retirement benefits shall be revoked by the Board of Trustees.

Should a retiree on ordinary disability retirement refuse to submit to the medical examinations herein provided for, the ordinary disability retirement benefit may be discontinued until the withdrawal of said refusal; and should the retiree's refusal continue for one (1) year, all rights in and to the ordinary disability retirement benefits shall be revoked by the Board of Trustees.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved July 8, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 251

(Council Bill No. 433)

AN ORDINANCE concerning

FIRE AND POLICE EMPLOYEES' RETIREMENT SYSTEM

FOR the purpose of amending the provisions relating to ordinary disability retirements benefits.

BY repealing and reordaining with amendments

Article 22 - Retirement Systems

Subtitle - Fire and Police Employees' Retirement System

Section 34(b), 34(d)

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 22 - RETIREMENT SYSTEMS

Fire and Police Employees' Retirement System

34. Benefits.

(b) Allowance on service retirement. Upon retirement from service a member shall receive a service retirement allowance as follows:

(1) For any member who retires on or before June 30, 1989, the service retirement allowance shall consist of:

(A) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

(B) For each year of service, in addition to his annuity, a pension, which shall be equal to one one-hundredth of his average final compensation for each of the first twenty-five years of service, less any prior service, and one one-hundred-twentieth of his average final compensation for each year after the first twenty-five years of service less any prior service; and

(C) If he has been credited with prior service, a supplemental pension which shall be equal to one-fiftieth of his average final compensation multiplied by the number of years of such prior service; and

(D) If at the time of retirement the annuity determined in accordance with Section 34(b)(1)(A) resulting from the member's contributions for service is less than the pension resulting from the member's years of service determined in accordance with Section 34(b)(1)(B), a supplemental pension equal to the difference between the two shall be payable.

(E) The additional annuity provided as the result of voluntary contributions permitted under Section 36(b)(4) shall be payable and shall not be used in determining this supplemental pension, if any, payable under this subdivision[, nor in determining the disability pension under Section 34(d)(2)].

(2) For any member who retires on or after July 1, 1989, AND ON OR BEFORE JUNE 30, 1991, the service retirement allowance shall consist of:

(A) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

(B) A pension, which together with his annuity shall be equal to 2.25% of his average final compensation for each year of the first twenty (20) years of service, 2.50% of his average final compensation for each year of his next two (2) years of service, and 1.67% of his average final compensation for each year of service thereafter.

(C) The additional annuity provided as a result of voluntary contributions permitted under Section 36(b)(4) shall be payable and shall not be used in determining the pension payable under Section 34(b)(2)(B) [nor in determining the disability pension under Section 34(d)(2)].

(3) For any member who retires on or after July 1, 1991, the service retirement allowance shall consist of:

(A) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

(B) A pension, which together with his annuity shall be equal to 2.5% of his average final compensation for each year of the first twenty (20) years of service, plus 1.8% of his average final compensation for each year of service thereafter.

(C) The additional annuity provided as a result of voluntary contributions permitted under Section 36(b)(4) shall be payable and shall not be used in determining the pension payable under Section 34(b)(3)(B) [nor in determining the disability pension under Section 34(d)(2)].

(4) Provided further, however, that members and beneficiaries of members who retired before July 1, 1988, and any surviving beneficiary of a member who began receiving benefits before July 1, 1988, shall receive a 2 percent increase in periodic benefits as of January 1, 1992.

(d) Allowance on ordinary disability retirement. [Upon retirement for ordinary disability a member shall receive a service retirement allowance if he has attained the age of fifty; otherwise he shall receive an ordinary disability retirement allowance which shall consist of:]

(1) ANY MEMBER WHO RETIRES ON ACCOUNT OF ORDINARY DISABILITY ON OR BEFORE OCTOBER 15, 1992, SHALL RECEIVE AN ALLOWANCE AS FOLLOWS:

[(1)](A) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement; and

[(2)](B) A pension which, together with his annuity, shall provide a total retirement allowance equal to [one-fortieth] 2.5% of his average final compensation for each of the first twenty years of service, [and one-fiftieth] PLUS 2% of his average final compensation for each year [after the first twenty years of service;] THEREAFTER.

(C) THE ADDITIONAL ANNUITY PROVIDED AS A RESULT OF VOLUNTARY CONTRIBUTIONS PERMITTED UNDER SECTION 36 (B)(4) SHALL BE PAYABLE AND SHALL NOT BE USED IN DETERMINING THE PENSION PAYABLE UNDER SECTION 34(D)(1)(B).

[(3)](D) Provided, however, that notwithstanding anything in this [subsection] ~~PARAGRAPH~~ SUBSECTION to the contrary, IF AT THE TIME OF RETIREMENT A MEMBER HAS ATTAINED THE AGE OF FIFTY YEARS AND HAS ACQUIRED TWENTY-FIVE OR MORE YEARS OF SERVICE, HE SHALL RECEIVE A SERVICE RETIREMENT ALLOWANCE COMPUTED AS PROVIDED IN PARAGRAPHS (B)(1), (2) AND (3) OF THIS SUBSECTION.

HOWEVER, if at the time of retirement a member [over] HAS ATTAINED THE AGE OF fifty years [of age shall have rendered] AND HAS ACQUIRED less than twenty-five years of service, [and shall be retired for ordinary disability, then and in that event, and notwithstanding the age of such member,] he shall receive [as] an ordinary disability retirement allowance [a sum to be] computed as provided in [paragraphs (d)(1) and (2) of] this subsection [to the extent that such sum] PROVIDED SUCH ALLOWANCE does not exceed [fifty per centum (50%)] of his average final compensation.

[(4)](E) Provided, further, anything ~~herein~~ IN THIS SUBSECTION to the contrary notwithstanding, any member eligible for retirement under the provisions of [subsection (c) hereof] PARAGRAPH D (1) OF THIS SUBSECTION, regardless of the length of service or the age of such member, shall receive an ordinary disability allowance of not less than [one-quarter] 25% of his average final compensation.

(2) ANY MEMBER WHO RETIRES ON ACCOUNT OF ORDINARY DISABILITY ON OR AFTER OCTOBER 16, 1992, SHALL RECEIVE AN ALLOWANCE AS FOLLOWS:

(A) AN ANNUITY WHICH SHALL BE THE ACTUARIAL EQUIVALENT OF HIS ACCUMULATED CONTRIBUTIONS AT THE TIME OF RETIREMENT; AND

(B) A PENSION WHICH, TOGETHER WITH HIS ANNUITY, SHALL PROVIDE A TOTAL RETIREMENT ALLOWANCE EQUAL TO 2.5% OF HIS AVERAGE FINAL COMPENSATION FOR EACH OF THE FIRST TWENTY YEARS OF SERVICE, PLUS 1.8% OF HIS AVERAGE FINAL COMPENSATION FOR EACH YEAR THEREAFTER.

(C) THE ADDITIONAL ANNUITY PROVIDED AS A RESULT OF VOLUNTARY CONTRIBUTIONS PERMITTED UNDER SECTION 36(B)(4) SHALL BE PAYABLE AND SHALL NOT BE USED IN DETERMINING THE PENSION PAYABLE UNDER SECTION 34(D)(2)(B).

(D) HOWEVER, ANY MEMBER ELIGIBLE FOR RETIREMENT UNDER THE PROVISIONS OF THIS SUBSECTION (D)(2), SHALL RECEIVE AN ORDINARY DISABILITY ALLOWANCE OF NOT LESS THAN 25% OF HIS AVERAGE FINAL COMPENSATION.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved July 8, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 252

(Council Bill No. 507)

AN ORDINANCE concerning

CITY STREET - OPENING 4 ALLEYS
UPTON AREA

FOR the purpose of condemning and opening certain alleys lying within property lines of Disposition Lots 18 and 21, Upton Urban Renewal Area; Block 336, Lots 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21/22, 23, 24, and 25A; located within the area bounded by Sewell Street, Argyle Avenue, Pitcher Street and North Fremont Avenue.

By authority of:

Article 1 - General Provisions

Section 4

Article II - General Powers

Sections 2, 34, 35

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Housing and Community Development is hereby authorized and directed to condemn and open the alleys described below and as set forth on Block 336, Ward 14, Section 10, Department of Public Works, Bureau of Surveys, Property Location Division of the City of Baltimore:

1. An alley 5 feet wide laid out in the rear of the properties formerly known as 1145 through 1149 North Fremont Avenue, and extending from the south side of Sewell Street southeasterly 51 feet more or less, to the end thereof;
2. An alley 3 feet wide laid out in the rear of the property formerly known as 627 Sewell Street and adjacent to the property formerly known as 1145 North Fremont Avenue, and extending from the west side of Argyle Avenue southwesterly 60 feet more or less to the end thereof;
3. An alley 3 feet wide laid out in the rear of the properties formerly known as 1614 through 1626 Argyle Avenue, extending from the southeast side of the property formerly known as 1145 North Fremont Avenue, southeasterly 92 feet more or less to the end thereof;
4. An alley 3 feet wide laid out adjacent to the property formerly known as 1614 Argyle Avenue, extending from the south side of Argyle Avenue southwesterly 60 feet more or less to the end thereof.

SEC. 2. AND BE IT FURTHER ORDAINED, That the proceedings of said Department of Housing and Community Development, with reference to the condemnation and opening of said alleys and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision, as amended) and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Commissioner of the Department of Housing and Community Development and filed with the Department of Legislative Reference.

SEC. 3. AND BE IT FURTHER ORDAINED, That this Ordinance shall take effect on the date of its enactment.

Approved July 8, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 253

(Council Bill No. 508)

AN ORDINANCE concerning

CITY STREET - CLOSING 4 ALLEYS
UPTON AREA

FOR the purpose of condemning and closing certain alleys lying within property lines of Disposition Lots 18 and 21, Upton Urban Renewal Area; Block 336, Lots 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21/22, 23, 24, and 25A; located within the area bounded by Sewell Street, Argyle Avenue, Pitcher Street and North Fremont Avenue.

By authority of
Article I - General Provisions
Section 4
Article II - General Powers

Sections 2, 34, 35

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Housing and Community Development is hereby authorized and directed to condemn and close the alleys described below and as set forth on Block 336, Ward 14, Section 10, Department of Public Works, Bureau of Surveys, Property Location Division of the City of Baltimore:

1. An alley 5 feet wide laid out in the rear of the properties formerly known as 1145 through 1149 North Fremont Avenue, and extending from the south side of Sewell Street southeasterly 51 feet more or less, to the end thereof;
2. An alley 3 feet wide laid out in the rear of the property formerly known as 627 Sewell Street and adjacent to the property formerly known as 1145 North Fremont Avenue, and extending from the west side of Argyle Avenue southwesterly 60 feet more or less to the end thereof;
3. An alley 3 feet wide laid out in the rear of the properties formerly known as 1614 through 1626 Argyle Avenue, extending from the southeast side of the property formerly known as 1145 North Fremont Avenue, southeasterly 92 feet more or less to the end thereof;
4. An alley 3 feet wide laid out adjacent to the property formerly known as 1614 Argyle Avenue, extending from the south side of Argyle Avenue southwesterly 60 feet more or less to the end thereof.

SEC. 2. AND BE IT FURTHER ORDAINED, That after said alleys shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm or corporation shall desire to remove, alter or interfere therewith, such person, firm or corporation shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration or interference.

SEC. 3. AND BE IT FURTHER ORDAINED, That no buildings or structures of any kind shall be constructed or erected in said alleys after the same shall have been closed under the provisions of this Ordinance, until the subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, over which said buildings or structures are proposed to be constructed or erected, shall have been abandoned or shall have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be "structures" within the meaning of this section.

SEC. 4. AND BE IT FURTHER ORDAINED, That after said alleys shall have been closed under the provisions of this ordinance, all subsurface structures and appurtenances owned by any person, firm or corporation other than the Mayor and City Council of Baltimore, shall, upon notice from the Director of Public Works of Baltimore City, be promptly removed by and at the expense of the said owner.

SEC. 5. AND BE IT FURTHER ORDAINED, That on and after the closing of said alleys, the said Mayor and City Council of Baltimore, acting through its duly authorized representatives, shall at all times have access to said property and to all subsurface structures and appurtenances used by it therein, for the purposes of inspection, maintenance, repair, alteration, relocation and/or replacement, of any or all of said structures and appurtenances, without permission from or compensation to the owner or owners of said alleys.

SEC. 6. AND BE IT FURTHER ORDAINED, That the proceedings of the Department of Housing and Community Development with reference to the condemnation and closing of said alleys and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision, as amended) and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Commissioner of the Department of Housing and Community Development and filed with the Department of Legislative Reference.

SEC. 7. AND BE IT FURTHER ORDAINED, That this Ordinance shall take effect on the date of its enactment.

Approved July 8, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 254

(Council Bill No. 531)

AN ORDINANCE concerning

AMENDING ORDINANCE NO. 260 (1984)
5008 BLYTHEWOOD ROAD

FOR the purpose of amending Ordinance No. 260, approved December 20, 1984, which authorized the sale of 5008 Blythewood Road, subject to certain conditions.

BY amending paragraph (1) of Section 2 of
Ordinance 260
Approved December 20, 1984

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section 2(1) of Ordinance No. 260, approved December 20, 1984, is hereby amended, to read as follows:

"SEC. 2. AND BE IT FURTHER ORDAINED, That the sale of this parcel shall be subject to the following conditions of use:

(1) Afternoon and evening use of the lot shall cease at [5:00 P.M.] 6:00 P.M. each day [;]. HOWEVER, IF AN ATHLETIC CONTEST IS IN PROGRESS AT THE TIME OF CLOSING, IT SHALL BE ALLOWED TO BE COMPLETED;"

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved July 8, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 255

(Council Bill No. 534)

AN ORDINANCE concerning

CITY PROPERTY - OPENING, WIDENING, GRADING,
CONSTRUCTION AND MAINTENANCE OF BLOOMINGDALE ROAD

FOR the purpose of authorizing the acquisition by purchase or condemnation by the Mayor and City Council of Baltimore of the fee simple interests or such other interests as the Director of Public Works may deem necessary or sufficient, in and to certain pieces or parcels of land situate in Baltimore City, for highway purposes, namely for the opening, widening, grading, construction and maintenance of Bloomingdale Road between Belmont Avenue and Ellicott Driveway and authorizing the acquisition by purchase or condemnation of any property, rights, interests, easements and/or franchises necessary for the opening, grading, construction and maintenance of said Bloomingdale Road; and authorizing the making of all necessary agreements concerning said Bloomingdale Road; and authorizing the construction of said Bloomingdale Road; the location and course being shown on plats thereof numbered 117-D-37C sheet 3 of 3 filed in the office of the Director of the Department of Public Works on the Twenty-Sixth (26th) day of October in the year of 1988 and 117-D-37D sheet 1 of 1, filed in the office of the Director of the Department of Public Works on the Tenth (10th) day of February in the year of 1993, prepared by the Survey Control Section of the Department of Public Works.

BY authority of

Article I - General Provisions

Section - 4

Article II - General Powers

Section - 2, 34

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That it is necessary to acquire by purchase or condemnation for public highway purposes, namely, for the opening, widening, grading, construction and maintenance of Bloomingdale Road between Belmont Avenue and Ellicott Driveway, the fee simple interests

or such other interests as the Director of Public Works may deem necessary in and to the pieces or parcels of land, situate in Baltimore City, including the improvements thereon, bounded as follows:

1) Beginning for the same at the point formed by the intersection of the southwest side of Bloomingdale Road, as now laid out 60 feet wide and the southeast outline of the CSX Transportation, Inc. Right of Way, 120 feet wide, said point of beginning also being the beginning of the second line of the parcel of land conveyed by Bobby Barnett "Etal" to Robert Nathaniel Thomas by deed dated August 2, 1983 and recorded among the Land Records of Baltimore City in Liber S.E.B. No. 87 Folio 894 and running thence binding on the southeast outline of said Right of Way and on part of the second line of said deed, there situate, as now surveyed, South 71°00'31" West 2.07 feet; thence for new lines of division through the property now or formerly owned by Robert Nathaniel Thomas the two following courses and distances; namely, South 08°10'13" East 1.96 feet and North 81°49'47" East 2.34 feet to intersect the southwest side of Bloomingdale Road and thence binding on the southwest side of said Bloomingdale Road and on part of the first line of said deed, to the end thereof, as now surveyed, North 15°29'24" West 2.37 feet to the place of beginning.

Containing 4.73 square feet of land.

All as shown on the plat numbered 117-D-37C sheet 3 of 3.

2) A revertible construction easement as shown on a plat numbered 117-D-37 D sheet 1 of 1.

All courses and distances in the above description are referred to as true meridian as adopted by the Baltimore Survey Control System.

Including all property, rights, interests, easements and/or franchises necessary for the opening, widening, grading, construction and maintenance of said Bloomingdale Road, the location and course of said Bloomingdale Road being shown on plats thereof numbered 117-D-37C sheet 3 of 3 filed in the office of the Director of the Department of Public Works on the Twenty-Sixth (26th) day of October in the year of 1988 and 117-D-37D sheet 1 of 1, filed in the office of the Director of The Department of Public Works on the Tenth (10th) day of February in the year of 1993, prepared by the Survey Control Section of the Department of Public Works.

Any mention or reference to any streets, roads, avenues, highways or alleys in this Ordinance or on the plats referred to herein are for the purpose of description only, and shall not be held or taken to be any evidence whatever that said streets, roads, avenues, highways, alleys or any of them, are public, dedicated or private thoroughfares.

SEC. 2. AND BE IT FURTHER ORDAINED, That the Director of the Department of Public Works or the person or persons the Board of Estimates of Baltimore City may hereafter from time to time designate, is or are hereby authorized to acquire on behalf of the Mayor and City Council of Baltimore, and for the purposes described in this Ordinance, the fee simple interests or such other interests as the said Director may deem necessary or sufficient, in and to said pieces or parcels of land and improvements thereupon, including all property, rights, interests, easements and/or franchises necessary for the opening, widening, grading, construction and maintenance of said Bloomingdale Road. If the said Director of the Department of Public Works, or person or persons the Board of Estimates of Baltimore City may designate are unable to agree with the owner or owners on the purchase price of any of the said pieces or parcels of land and improvements thereupon or for any of the said properties, rights, interests, easements and/or franchises, they shall forthwith notify the City Solicitor of Baltimore City who shall thereupon institute in the name of the Mayor and City Council of Baltimore the necessary legal proceedings to acquire by condemnation the fee simple interests or such other rights, interests, easements and/or franchises as the said Director may deem necessary or sufficient for the purposes of said Bloomingdale Road.

SEC. 3. AND BE IT FURTHER ORDAINED, That the proceedings for the acquisition by condemnation of the property and rights herein described and the rights of all parties interested or affected thereby shall be regulated by and be in accordance with the provisions of the Real Property Article of the Annotated Code of Maryland (1974), Title 12, Section 101 Et Seq. and any and all amendments thereto.

SEC. 4. AND BE IT FURTHER ORDAINED, That the said Director of The Department of Public Works or person or persons the Board of Estimates of Baltimore City may designate are also hereby authorized to negotiate for and to enter into the name of the Mayor and City Council of Baltimore, any and all necessary agreements with the Federal and State Governments, or any of their agencies, and any other persons, firms or corporations, in aid of, in furtherance of, or in connection with said Bloomingdale Road; all such acquisitions and agreements to be subject to the approval of the Board of Estimates.

SEC. 5. AND BE IT FURTHER ORDAINED, That after the necessary agreements have been made and the necessary properties, lands, rights, easements and/or franchises have been acquired as hereinbefore provided, the Director of The Department of Public Works of Baltimore City is hereby authorized and directed to construct or cause to be constructed the said Bloomingdale Road, all in accordance with detailed plans hereafter to be prepared therefor and after said plans have been approved by said Director of the Department of Public Works.

SEC. 6. AND BE IT FURTHER ORDAINED, That this Ordinance shall take effect on the date of its enactment.

Approved July 8, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 256

(Council Bill No. 579)

AN ORDINANCE concerning

CITY PROPERTY - OPENING, WIDENING, GRADING, CONSTRUCTION
AND MAINTENANCE OF KEY HIGHWAY

FOR the purpose of authorizing the acquisition by purchase or condemnation by the Mayor and City Council of Baltimore of the fee simple interests or such other interests as the Director of the Department of Public Works may deem necessary or sufficient, in and to certain pieces or parcels of land situate in Baltimore City, for highway purposes, namely for the opening, widening, grading, construction and maintenance of Key Highway extending from Lawrence Street Southeasterly 342 feet, more or less, and authorizing the acquisition by purchase or condemnation of any property, rights, interests, easements and/or franchises necessary for the opening, grading, construction and maintenance of said Key Highway; and authorizing the making of all necessary agreements concerning said Key Highway; and authorizing the construction of said Key Highway; the location and course being shown on plats thereof numbered 111-D-16A and 111-D-16C, filed in the office of the Director of the Department of Public Works on the Thirteenth

(13th) day of November in the year of 1992, prepared by the Survey Control Section of the Department of Public Works.

BY authority of

Article I - General Provisions

Section - 4

Article II - General Powers

Section - 2, 34

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. Be it ordained by the Mayor and City Council of Baltimore, That it is necessary to acquire by purchase or condemnation for public highway purposes, namely, for the opening, widening, grading, construction and maintenance of Key Highway extending from Lawrence Street Southeasterly 342 feet, more or less, the fee simple interests or such other interests as the Director of the Department of Public Works may deem necessary in and to the pieces or parcels of land, situate in Baltimore City, including the improvements thereon, bounded as follows:

1) Beginning for the same at the point formed by the intersection of the southeast side of Lawrence Street, varying in width, and the southwest side of Key Highway, 106 feet wide, as condemned and opened Key Highway Third Section under Ordinance No. 618, approved May 17, 1915, said point of beginning being the beginning of the parcel of land conveyed by Lynco, Inc. to Harbor General Partnership by deed dated July 20, 1984 and recorded among the Land Records of Baltimore City in Liber S.E.B. No. 259, Folio 488, and running thence binding on the first line of said deed, as now surveyed, South 65°44'30" East 7.42 feet to intersect the southeast side of Lawrence Street, varying in width; thence binding on last said Lawrence Street, and on the second line of said deed, as now surveyed, North 41°51'00" East 27.30 feet to intersect the southwest side of Key Highway, as now laid out 80 feet wide; thence binding on the southwest side of last said Key Highway, and on the southwest side of Key Highway, varying in width and 80 feet wide, and on the third, fourth and part of the fifth lines of said deed, as now surveyed, the two following courses and distances; namely, South 65°44'30" East 86.32 feet and by a line curving to the right with a radius of 360.00 feet the distance of 255.90 feet which arc is subtended by a chord bearing South 45°22'39" East 250.55 feet to intersect the southwest side of Key Highway, as realigned and widened on the southwest side thereof to a varying width; thence binding on the southwest and south sides of last said Key Highway, as realigned and widened, the four following courses and distances; namely, by a line

curving to the left with a radius of 340.00 feet the distance of 235.25 feet which arc is subtended by a chord bearing North 45°55'12" West 230.58 feet, North 65°44'30" West 76.53 feet, by a line curving to the left with a radius of 40.00 feet the distance of 45.17 feet which arc is subtended by a chord bearing South 81°54'21" West 42.81 feet and North 64°34'36" West 1.70 feet to intersect the southeast side of Lawrence Street, as realigned and widened on the southeast side thereof, varying in width; thence binding on the southeast side of last said Lawrence Street, South 41°51'00" West 18.42 feet to intersect the southeast side of Lawrence Street, mentioned firstly herein, and thence binding on the southeast side of Lawrence Street, mentioned firstly herein, and on part of the last line of said deed to the end thereof, as now surveyed, North 24°15'30" East 23.40 feet to the place of beginning.

Containing 2,086.56 square feet or 0.0479 acre of land, more or less.

All as shown on the plat numbered 111-D-16A.

2) Beginning for the same at the point formed by the intersection of the southeast side of Key Highway, as now laid out varying in width, and the southwest side of Key Highway East, as now laid out 66 feet wide, said point of beginning also being the beginning of the fifth line of the first parcel of land conveyed by Fabian H. Kolker to FHK Properties Partnership by deed dated November 10, 1987 and recorded among the Land Records of Baltimore City in Liber S.E.B. No. 1554, Folio 195, and running thence binding on the southwest side of said Key Highway East and on part of the fifth line of the first parcel of land described in said deed, South 65°44'30" East 42.13 feet to intersect the southeast side of Key Highway, as realigned and widened on the southeast side thereof, varying in width; thence binding on the southeast side of last said Key Highway, varying in width, by a line curving to the left with a radius of 30.56 feet the distance of 73.00 feet which arc is subtended by a chord bearing South 45°49'15" West 56.84 feet to intersect the northeast side of Key Highway, as now laid out 80 feet wide; thence binding on the northeast side of last said Key Highway and on the southeast side of Key Highway, mentioned firstly herein and on part of the third line and on the fourth line of the first parcel of land described in said deed, the two following courses and distances; namely, by a line curving to the left with a radius of 440.00 feet the distance of 40.08 feet which arc is subtended by a chord bearing North 25°13'35" West 40.07 feet and by a line curving to the right with a radius of 15.00

feet the distance of 37.20 feet which arc is subtended by a chord bearing North 43°12'40" East 28.37 feet to the place of beginning.

Containing 1,277.52 square feet or 0.0293 acre of land, more or less.

All as shown on a plat numbered 111-D-16C.

All courses and distances in the above descriptions are referred to the true meridian as adopted by the Baltimore Survey Control System.

Including all property, rights, interests, easements and/or franchises necessary for the opening, widening, grading, construction and maintenance of said Key Highway, the location and course of said Key Highway being shown on plats thereof numbered 111-D-16A and 111-D-16C, filed in the office of the Director of the Department of Public Works on the Thirteenth (13th) day of November in the year of 1992, prepared by the Survey Control Section of the Department of Public Works.

Any mention or reference to any streets, roads, avenues, highways or alleys in this Ordinance or on the plats referred to herein are for the purpose of description only, and shall not be held or taken to be any evidence whatever that said streets, roads, avenues, highways, alleys or any of them, are public, dedicated or private thoroughfares.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Director of the Department of Public Works or the person or persons the Board of Estimates of Baltimore City may hereafter from time to time designate, is or are hereby authorized to acquire on behalf of the Mayor and City Council of Baltimore, and for the purposes described in this Ordinance, the fee simple interests or such other interests as the said Director may deem necessary or sufficient, in and to said pieces or parcels of land and improvements thereupon, including all property, rights, interests, easements and/or franchises necessary for the opening, widening, grading, construction and maintenance of said Key Highway. If the said Director of the Department of Public Works, or person or persons the Board of Estimates or Baltimore City may designate are unable to agree with the owner or owners on the purchase price of any of the said pieces or parcels of land and improvements thereupon or for any of the said properties, rights, interests, easements and/or franchises, they shall forthwith notify the City Solicitor of Baltimore City who shall thereupon institute in the name of the Mayor and City Council of Baltimore the necessary legal proceedings to acquire by condemnation

the fee simple interests or such other rights, interests, easements and/or franchises as the said Director may deem necessary or sufficient for the purposes of said Key Highway.

SECTION 3. AND BE IT FURTHER ORDAINED, That the proceedings for the acquisition by condemnation of the property and rights herein described and the rights of all parties interested or affected thereby shall be regulated by and be in accordance with the provisions of the Real Property Article of the Annotated Code of Maryland (1974), Title 12, Section 101 Et Seq. and any and all amendments thereto.

SECTION 4. AND BE IT FURTHER ORDAINED, That the said Director of the Department of Public Works or person or persons the Board of Estimates of Baltimore City may designate are also hereby authorized to negotiate for and to enter into the name of the Mayor and City Council of Baltimore, any and all necessary agreements with the Federal and State Governments, or any of their agencies, and any other persons, firms or corporations, in aid of, in furtherance of, or in connection with said Key Highway; all such acquisitions and agreements to be subject to the approval of the Board of Estimates.

SECTION 5. AND BE IT FURTHER ORDAINED, That after the necessary agreements have been made and the necessary properties, lands, rights, easements and/or franchises have been acquired as hereinbefore provided, the Director of the Department of Public Works of Baltimore City is hereby authorized and directed to construct or cause to be constructed the said Key Highway, all in accordance with detailed plans hereafter to be prepared therefor and after said plans have been approved by the said Director of the Department of Public Works.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance shall take effect from the date of its enactment.

Approved July 8, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 257

(Council Bill No. 605)

AN ORDINANCE concerning

ISSUANCE OF TRANSPORTATION REVENUE BONDS

FOR the purpose of authorizing and providing for the issuance, sale and delivery by the Mayor and City Council of Baltimore of its revenue bonds to be used to provide funds for the financing or refinancing of certain Transportation Projects (as defined herein) within the City of Baltimore, such revenue bonds to be designated "Mayor and City Council of Baltimore Transportation Revenue Bonds," in the aggregate principal amount not exceeding Sixty Million Dollars (\$60,000,000.00), pursuant to the provisions of Subsection (50) of Article II of the Charter of Baltimore City (1964 Revision, as amended), in order to use the proceeds for the public purpose of (a) financing in whole or in part, the construction, reconstruction, improvement or maintenance of Transportation Projects in the City of Baltimore, (b) refinancing, refunding, prepaying or defeasing all or a part of the City's outstanding obligations under certain Participation Agreements (as defined herein) entered into with the Maryland Department of Transportation relating to Transportation Projects in the City of Baltimore, (c) funding capitalized interest on such revenue bonds to the extent deemed necessary and in accordance with any limitation on the period for such funding established by law, (d) paying the costs of issuance and all other related costs of such revenue bonds and (e) funding any reserve funds, including reserves for such revenue bonds, created by this Ordinance and the Board of Finance resolution; defining certain terms used in this Ordinance; providing that (a) such revenue bonds shall be payable solely and only from (i) Highway User Revenues (as defined herein), (ii) amounts in any reserve fund established by the Board of Finance for the payment of the principal of, premium on, if any, and interest on the revenue bonds, including investment earnings on any such fund (to the extent provided by the Board of Finance), (iii) unexpended proceeds of the revenue bonds, including investment earnings on such proceeds (to the extent provided by the Board of Finance), and (iv) other amounts legally available therefor, and (b) such revenue bonds shall not ever constitute, within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision or otherwise (i) a debt or general obligation of the City, the State of Maryland, or any other subdivision of the State of Maryland or (ii) a pledge of or an involvement of the faith and credit or the taxing powers of the City, the State of Maryland, or any other subdivision of the

State of Maryland; authorizing and empowering the Board of Finance of the City by resolution (a) to determine and set forth certain matters pertaining to the revenue bonds, including (without limitation) the form, terms, provisions (including redemption provisions and sinking fund requirements, if any), manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance and any and all other details of such revenue bonds, (b) to do any and all things necessary, proper or expedient in connection with the issuance and sale of such revenue bonds, to prepare and distribute preliminary and final official statements or preliminary and final placement memoranda or circulars in connection with the sale of such revenue bonds, to determine the dates, times and places when underwriting or placement agreements or purchase agreements shall be submitted by the underwriters or placement agents for such revenue bonds or the purchasers of such revenue bonds and to determine certain of the terms of such agreements, to determine the interest rate or rates to be paid by the City on such revenue bonds and to appoint a trustee for such revenue bonds, and (c) to approve the form of trust agreements between the City and the trustee, which trust agreements may (i) pledge and assign all or any part of the Highway User Revenues, (ii) contain reasonable and proper provisions for the protection and enforcement of the rights and remedies of the holders of such revenue bonds, (iii) set forth the rights and remedies of the holders of such revenue bonds and of the trustee and restrict the individual right of action by the holders of such revenue bonds, and (d) contain whatever other provisions are deemed reasonable and proper for the security of the holders of such revenue bonds; providing that the revenue bonds may be issued in one or more series as the Board of Finance by resolution may provide; providing for the issuance of refunding obligations; and generally providing for and determining various matters in connection with the authorization, issuance, security, sale and payment of such revenue bonds.

RECITALS

A. For convenience of reference, Mayor and City Council of Baltimore, a body corporate and politic of the State of Maryland, is hereinafter sometimes referred to as the "City".

B. Subsection (50) - Revenue Bonds and Obligations, of Article II of the Charter of Baltimore City (1964 Revision, as amended)

("Subsection (50)") authorizes the City to borrow money through the issuance and sale of its bonds, notes or other obligations (including refunding bonds, notes or other obligations) for the accomplishment of any of the purposes, objects and powers of the City. Revenue bonds, notes and other obligations issued pursuant to Subsection (50) shall be payable, as to both principal and interest, solely from and secured solely by (i) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by issuance of the obligations, (ii) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the obligations, (iii) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the obligations, or (iv) any combination of (i), (ii) or (iii).

C. Subsection (50) further authorizes the City to authorize and empower the Commissioners of Finance of the City (pursuant to Resolution 13 of Mayor and City Council of Baltimore, approved by the Mayor on August 14, 1978, adopted by referendum on November 7, 1978, the powers of the Commissioners of Finance were vested in the Board of Finance, and hereinafter "Board of Finance" shall designate the former Commissioners of Finance) by resolution (i) to determine and set forth certain matters pertaining to such bonds, notes or other obligations, including (without limitation) the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance and any and all other details of such bonds, notes, or other obligations, (ii) to do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds, notes or other obligations and (iii) to approve the form of a trust agreement between the City and the trustee, which trust agreement may (a) pledge or assign all or any part of the security for such bonds, notes or other obligations, (b) contain reasonable and proper provisions for the protection and enforcement of the rights and remedies of the holders of such bonds, notes or other obligations, (c) set forth the rights and remedies of the holders of such bonds, notes or other obligations and of the trustee and restrict the individual rights of action by the holders of the bonds, notes or other obligations and (d) contain whatever other provisions are deemed reasonable and proper for the security of the holders of such bonds, notes or other obligations.

D. The City has determined to issue and sell its revenue bonds in an aggregate principal amount not to exceed Sixty Million Dollars (\$60,000,000.00) and to use the proceeds of the said obligations to

finance or refinance certain Transportation Projects within the City of Baltimore.

E. The revenue bonds issued under this Ordinance do not constitute, within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision, (i) a debt or general obligation of the City, the State of Maryland or any other subdivision of the State of Maryland or (ii) a pledge of or an involvement of the faith and credit or the taxing powers of the City, the State of Maryland, or any other subdivision of the State of Maryland. The principal of and interest on the revenue bonds shall be payable from, and secured by, (i) the pledge and assignment of all or a portion (as determined by the Board of Finance) of the Highway User Revenues, (ii) amounts in any reserve fund established by the Board of Finance for payment of the principal of, premium on, if any, and interest on the revenue bonds including any investment earnings on any such fund (to the extent provided by the Board of Finance), (iii) unexpended proceeds of the revenue bonds, including investment earnings on such proceeds (to the extent provided by the Board of Finance) and (iv) other amounts legally available therefor. The revenue bonds may be additionally secured (without in any way specifying or limiting the terms of such additional security) by such other security as the Board of Finance may legally by resolution approve.

F. The proceeds of the revenue bonds will be paid directly to, and will be disbursed by, the independent trustee or trustees appointed by the Board of Finance pursuant to this Ordinance (the "Trustee"). No such moneys will be either commingled with the City's general funds or made subject to the absolute control of the City, except for such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the revenue bonds are used to accomplish the public purpose of this Ordinance.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in addition to any other terms defined elsewhere in this Ordinance, the following terms shall have the following meanings in this Ordinance:

"Highway User Revenues" means the funds (i) credited to the Gasoline and Motor Vehicle Revenue Account of the Transportation Trust Fund of the Department established in accordance with Subtitle 4 of Title 8 of the Transportation Article of the Annotated Code of Maryland (1993 Replacement Volume), as amended, replaced or

supplemented from time to time, and (ii) distributed to the City in accordance with such Subtitle.

"Participation Agreements" means Participation Agreements between the Maryland Department of Transportation and the City relating to the issuance by the Department of county transportation bonds pursuant to Subtitle 3 of Title 3 of the Transportation Article, the proceeds of which have been used and applied to finance Transportation Projects within the City of Baltimore.

"Transportation Projects" means:

(1) the construction, reconstruction, or maintenance of the City's highways and streets;

(2) costs incurred by the City police department for carrying out traffic functions and enforcing the traffic laws;

(3) other highway related activities for:

(i) lighting City highways;

(ii) stormwater drainage of City highways;

(iii) cleaning City streets, but not including the cost of collection of garbage, trash, and refuse;

(4) the cost of transportation facilities within the City of Baltimore, as defined in Section 3-101 of the Transportation Article of the Annotated Code of Maryland (1993 Replacement Volume), as amended, replaced or supplemented from time to time;

(5) through fiscal year 1997, students' costs of discounted Mass Transit Administration fares for eligible public school students in the City; and

(6) any transportation projects within the City of Baltimore authorized under Subtitle 3 of Title 3 of the Transportation Article of the Annotated Code of Maryland (1993 Replacement Volume), as amended, replaced or supplemented from time to time.

SEC. 2. AND BE IT FURTHER ORDAINED, That the issuance, sale and delivery of revenue bonds in an amount not exceeding Sixty

Million Dollars (\$60,000,000.00) aggregate principal amount of revenue bonds, hereby designated "Transportation Revenue Bonds," are hereby authorized, subject to the provisions of this Ordinance, for the general public purposes of financing or refinancing certain Transportation Projects in the City of Baltimore.

SEC. 3. AND BE IT FURTHER ORDAINED, That the net proceeds from the sale of revenue bonds, authorized to be issued and sold by this Ordinance, shall be used and applied for the public purposes of (i) financing, in whole or in part, the cost of the Transportation Projects, (ii) refinancing, refunding, prepaying or defeasing, in whole or in part, the City's obligations under the Participation Agreements, (iii) paying the costs of issuance and sale of the revenue bonds, including (without limitation) costs of printing the revenue bonds, the official statement and other legal documents, costs of delivery of the revenue bonds, commitment fees, legal fees, accounting fees, fees and expenses of the Trustee, underwriting costs, advertising costs, costs of rating agency reviews, credit enhancement fees (including bond insurance premiums and letter of credit fees) and all other incidental related expenses, (iv) funding capitalized interest on any series of revenue bonds to the extent deemed necessary and in accordance with any limitation on the period for such funding established by law, and (v) (to the extent provided by resolution of the Board of Finance adopted pursuant to this Ordinance) to fund a debt service reserve or other reserve funds for the revenue bonds.

SEC. 4. AND BE IT FURTHER ORDAINED, That the revenue bonds shall be solely and exclusively payable from the (i) Highway User Revenues, (ii) amounts in any reserve fund established by the Board of Finance for payment of the principal of, premium on, if any, and interest on the revenue bonds, including any investment earnings on any such fund (to the extent provided by the Board of Finance), (iii) unexpended proceeds of the revenue bonds, including investment earnings on such proceeds (to the extent provided by the Board of Finance) and (iv) other amounts legally available therefor. Additionally, the Board of Finance may authorize additional security for the revenue bonds by (i) insuring the revenue bonds through public or private bond insurance provided by one or more public or private bond insurers selected by the Board of Finance, or through one or more letters of credit, lines of credit or standby bond purchase agreements issued or entered into by one or more banks or financial institutions selected by the Board of Finance; or (ii) such other security as the Board of Finance may approve; or (iii) any combination of (i) and (ii).

SEC. 5. AND BE IT FURTHER ORDAINED, That the City hereby authorizes the Board of Finance, unless the City shall otherwise prescribe prior to the issuance and delivery of the revenue bonds, by resolution to take the following actions and to make the following commitments on behalf of the City:

(1) to establish and maintain, pursuant to a trust agreement or otherwise, a fund into which Highway User Revenues shall be paid and from which money shall be disbursed in accordance with this Ordinance, the Board of Finance resolution adopted pursuant to this Ordinance and any trust indentures or other agreement approved by the Board of Finance pursuant to this Ordinance;

(2) to determine and set forth the form, terms, provisions (including redemption provisions and sinking fund requirements, if any), manner or method of issuing and selling (including negotiated or competitive bid sale) and the time or times of issuance, selection of the underwriters or placement agents, and any and all other details of the revenue bonds;

(3) to prepare and distribute, in conjunction with the prospective underwriters or placement agents, if any, for the revenue bonds, preliminary and final official statements or placement memoranda or circulars as the Board of Finance deems necessary and appropriate in connection with the sale of the revenue bonds;

(4) to determine the dates, times and places when an underwriting or placement agreement or purchase contract shall be submitted by the underwriters or placement agents for the revenue bonds or purchasers of the revenue bonds, such underwriting or placement agreement or purchase contract to specify the interest rate or rates proposed to be paid on the revenue bonds, the price at which such revenue bonds are to be sold to such underwriters, the placement agents or purchasers as the Board of Finance may deem necessary or desirable in order to effect the sale and delivery of the revenue bonds;

(5) to prescribe the principal amount, rate or rates of interest, denomination or denominations, date, maturity or maturities for the revenue bonds;

(6) to appoint, as the Board of Finance deems necessary and appropriate, a bank having trust powers, or a trust company, as trustee for the revenue bonds to be issued pursuant to this Ordinance; and

(7) to approve the form of trust agreement between the City and the Trustee, which trust agreement may (i) pledge and assign all or any part of the Highway User Revenues, (ii) contain reasonable and proper provisions for the protection and enforcement of the rights and remedies of the bondholders, (iii) set forth the rights and remedies of the bondholders and the Trustee and may restrict the individual right of action by the bondholders, (iv) permit the assignment of the City's obligations under the trust agreement and the Highway User Revenues as is in the public interest, and (v) contain whatever other provisions are deemed reasonable and proper for the security of the bondholders; and

(8) to perform any and all actions necessary or deemed appropriate by such Board in order to effect the issuance, sale and delivery of the revenue bonds in accordance with and pursuant to this Ordinance and the underwriting or placement agreements or purchase contracts for the revenue bonds.

SEC. 6. AND BE IT FURTHER ORDAINED, That, prior to the sale of the revenue bonds, the Board of Finance, unless the City shall otherwise prescribe, may determine by resolution:

(1) the provisions of the trust agreement between the City and the Trustee;

(2) the manner of execution, authentication, registration and transfer of the revenue bonds;

(3) provisions for authentication and delivery of the revenue bonds;

(4) the terms of the private insurance, public insurance or other security for the revenue bonds, if any;

(5) provisions for creation, holding and disbursement of a construction fund to be held by the Trustee or otherwise held in connection with the revenue bonds;

(6) provisions for creation, holding and disbursement of any other funds and accounts to be held by the Trustee;

(7) provisions for the security for and investment of moneys and securities held by the Trustee;

(8) the details of the procedure for the redemption of the revenue bonds;

(9) remedies for bondholders in the event of default;

(10) the duties, rights and immunities of the Trustee;

(11) the manner of execution of instruments by bondholders and the method of proof of ownership of the revenue bonds;

(12) provisions for modification of this Ordinance;

(13) provisions for defeasance of the revenue bonds;

(14) the forms of the revenue bonds, and the Trustee's authentication certificate; and

(15) such other matters in connection with the transactions contemplated herein as may be deemed appropriate by the Board of Finance.

Any resolution or resolutions adopted pursuant to this Ordinance shall be deemed to be of an administrative nature.

SEC. 7. AND BE IT FURTHER ORDAINED, That the Board of Finance is hereby authorized to refund or advance refund the revenue bonds, at any time or from time to time, through the issuance of refunding bonds, refunding notes or other refunding obligations, as the case may be. Refunding obligations shall be issued pursuant to one or more resolutions adopted by the Board of Finance, which resolution(s) shall specify (i) the terms and conditions upon which the refunding obligations will be issued, (ii) the plan or method by which the revenue bonds will be refunded, and (iii) such other matters as the Board of Finance shall deem necessary or advisable to determine by resolution including, but not limited to, the powers enumerated in Sections 5 and 6 herein pertaining to the revenue bonds. It is hereby expressly provided that the issuance of refunding obligations hereunder shall not be subject to any dollar limitations set forth in this Ordinance; provided, however, that the proceeds of such refunding obligations shall be used solely to refund the revenue bonds and pay costs associated therewith (including, without limitation, the costs of issuing such refunding obligations).

SEC. 8. AND BE IT FURTHER ORDAINED, That the Board of Finance is hereby authorized and empowered to adopt one or more resolutions from time to time, either before or after the issuance, sale and delivery of the revenue bonds and Refunding Obligations, to supplement the resolution or resolutions referred to in the provisions of Sections 5, 6 and 7 hereof, and thereby approve amendments or supplements to or substitutes for the forms and provisions of the revenue bonds, the refunding obligations, any trust agreement or similar agreements and all other documents approved by such resolution or resolutions, provided that each supplemental resolution and each amendment, supplement or substitute shall be in accordance with the provisions of this Ordinance and the documents executed in connection with the revenue bonds and the refunding obligations and then in effect.

SEC. 9. AND BE IT FURTHER ORDAINED, That the Board of Finance may approve the issuance of and that the revenue bonds and refunding obligations may be issued in one or more series from time to time as the Board of Finance by resolution, adopted pursuant to this Ordinance, deems necessary or appropriate.

SEC. 10. AND BE IT FURTHER ORDAINED, That, although this Ordinance provides for, and the Board of Finance by resolution may provide for, a pledge of Highway User Revenues with respect to the revenue bonds and refunding obligations, nothing in this Ordinance shall be deemed to preclude a pledge, with respect to the revenue bonds and refunding obligations, of revenues of and amounts held in other funds, accounts, facilities or arrangements if authorized by applicable law.

SEC. 11. AND BE IT FURTHER ORDAINED, That, if any action on any matter delegated to the Board of Finance, or authorized for implementation by the Board of Finance shall not be acted upon by the Board of Finance, such actions and matters may be acted upon or implemented by a resolution, approved by the City Council of the City, which is subsequently approved by the Mayor or acting Mayor of the City.

SEC. 12. AND BE IT FURTHER ORDAINED, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part thereof is held illegal, invalid unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this

Ordinance or its application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person or circumstances to which this Ordinance or any part thereof is inapplicable had been specifically exempted therefrom.

SEC. 13. AND BE IT FURTHER ORDAINED, That in the construction of this Ordinance the singular number shall include the plural number and the plural the singular.

SEC. 14. AND BE IT FURTHER ORDAINED, That this Ordinance shall take effect on the date of its enactment.

Approved July 8, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 258

(Council Bill No. 420)

AN ORDINANCE concerning

ADULT ENTERTAINMENT BUSINESSES

FOR the purpose of deleting Class B book stores and peep show establishments from the list of conditional uses in the B-4 District and adding them to the list of conditional uses requiring an ordinance in the B-5 District; adding ~~peep show establishments~~ and adult entertainment businesses to the list of conditional uses requiring an ordinance in the B-5 District; imposing certain location restrictions on these uses; imposing conditions upon the operation of adult entertainment businesses; requiring the issuance of annual permits for the conduct of such businesses; creating an Adult Entertainment Business ~~Commission~~ Advisory Task Force; defining adult entertainment business; and providing penalties.

BY adding
Article 30 - Zoning

Sections ~~6.5-1c-7~~ 6.5-1d-11, 6.5-1d-12, 6.5-1d-13, 6.5-2c, 8.0-6l-1,
8.0-6l-2, 10.0-3b-7, 11.0-3c-3, 11.0-3d-3(k), 11.0-3e-2(j),
11.0-8, 13.0-2-3a
Baltimore City Code (1983 Replacement Volume, as amended)

BY repealing and reordaining with amendments

Article 30 - Zoning

Sections 6.5-1c-1, 6.5-1c-4

Baltimore City Code (1983 Replacement Volume, as amended)

BY repealing

Article 30 - Zoning

Section 6.4-1c-1, 6.5-1c-1, 6.5-1c-4

Baltimore City Code (1983 Replacement Volume, as amended)

WHEREAS, There are in the City of Baltimore certain adult entertainment businesses that require special supervision and regulation in order to protect the health, safety, and welfare of the customers of the businesses and the citizens of the City of Baltimore; and

WHEREAS, The Mayor and City Council of Baltimore finds that these adult entertainment businesses are frequently used for unlawful sexual activities which can result in sexually transmitted diseases that threaten the health and, in the case of the AIDS virus, the lives of citizens; and

WHEREAS, A reasonable permitting scheme is a valid and legitimate means of insuring that operators of adult entertainment businesses do not allow their establishments to be used as places of illegal sexual activity or solicitation detrimental to the health and welfare of the citizens of the City of Baltimore; and

WHEREAS, There is documented evidence that adult entertainment businesses, because of their very nature, have a deleterious effect on nearby businesses and surrounding residential areas, causing increased crime in general, and in particular, the illegal distribution, possession and administration of controlled dangerous substances as defined in Article 27 of the Annotated Code of Maryland, and thereby lowering property values; and

WHEREAS, There is also evidence that adult entertainment businesses located in close proximity to each other contribute to

neighborhood and business community blight and lessen the quality of life in the area; and

WHEREAS, The Mayor and City Council of Baltimore desires to minimize and control these adverse effects; and

WHEREAS, The Mayor and City Council of Baltimore also desires to protect the citizens of the City of Baltimore from increased crime, to preserve the quality of life in the City, and to preserve the property values and character of neighborhoods and business communities; and

WHEREAS, It is not the intent of this act to suppress any speech protected under the First Amendment to the United States Constitution, but to enact a content-neutral law that addresses the adverse secondary effects of adult entertainment businesses and to permit them to continue in areas where they have traditionally been located; and

WHEREAS, It is the intent of the Mayor and City Council of Baltimore through this act to protect the health, safety, and welfare of the citizens of Baltimore City; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 30 - ZONING

Chapter 6 - Business Districts

6.4 B-4 Central Business District.

1. Use regulations.

c. Conditional uses.

[1. Book and magazine stores and similar establishments
(Class B)]

6.5 B-5 Central Commercial District.

1. Use regulations.

c. Conditional uses.

[1. Book and magazine stores and similar establishments
(Class B)]

[4. Peep show establishments]

d. Notwithstanding other provisions of this ordinance, the following uses as conditional uses shall require authorization by ordinance of the Mayor and City Council subject to the requirements and provisions of Section 11.0-6d:

~~1~~ 11. Book and magazine store and similar establishments (Class B) - LOCATED AT LEAST ~~500~~ 300 FEET FROM ANOTHER BOOK AND MAGAZINE STORE AND SIMILAR ESTABLISHMENT (CLASS B), ADULT ENTERTAINMENT BUSINESS, OR PEEP SHOW ESTABLISHMENT.

4 12. Peep show establishments - LOCATED AT LEAST ~~500~~ 300 FEET FROM ANOTHER PEEP SHOW ESTABLISHMENT, ADULT ENTERTAINMENT BUSINESS, OR BOOK AND MAGAZINE STORE AND SIMILAR ESTABLISHMENT (CLASS B).

~~7~~ 13. ADULT ENTERTAINMENT BUSINESSES - LOCATED AT LEAST ~~500~~ 300 FEET FROM ANOTHER ADULT ENTERTAINMENT BUSINESS.

2. Bulk regulations.

C. NO INDIVIDUAL ADULT ENTERTAINMENT BUSINESS SHALL OCCUPY ~~UTILIZE FOR USE AS ADULT ENTERTAINMENT A~~ TOTAL FLOOR AREA OF MORE THAN 3,000 SQUARE FEET IN THE PREMISES ~~IN WHICH SUCH BUSINESS IS CONDUCTED.~~

Chapter 8 - Non-Conformance

8.0-6 Non-conforming status of certain uses.

~~L.1. ANY ADULT ENTERTAINMENT BUSINESS EXISTING ON THE EFFECTIVE DATE OF THIS SUB-SECTION SHALL BE CONSIDERED A NON-CONFORMING USE AND SUBJECT TO ALL CLASS III REGULATIONS UNTIL THE BUSINESS OBTAINS A CONDITIONAL USE PERMIT.~~

~~L.2. ANY ADULT ENTERTAINMENT BUSINESS EXISTING ON THE EFFECTIVE DATE OF THIS ORDINANCE, LOCATED IN ANY DISTRICT, SHALL BE DISCONTINUED AND CEASE UPON THE~~

~~EFFECTIVE DATE OF THE DENIAL OR REVOCATION OF ANY PERMIT
ISSUED OR TO BE ISSUED PURSUANT TO THIS ARTICLE.~~

Chapter 10 - Sign Regulations

10.0-3 Signs in Business and Industrial Districts.

b. The following types of signs, subject to the limitations prescribed for them, shall be permitted for uses authorized as principal or conditional uses in Business and Industrial Districts:

7. SPECIAL STANDARDS FOR ADULT ENTERTAINMENT BUSINESSES, INCLUDING PEEP SHOWS, AND CLASS B BOOK STORES:

(A) NO MOVING, FLASHING, OR BLINKING,
~~ANIMATED OR NEON LIGHTS OF ANY KIND, OR NEON~~
LIGHTS THAT DEPICT ADULT ENTERTAINMENT.

(B) NO POSTERS, PHOTOGRAPHS, SKETCHES,
PAINTED OR LAMINATED SIGNS OR SIMILAR
MATERIALS ON THE EXTERIOR OF THE BUILDING OR
DISPLAYED IN WINDOWS THAT DEPICT OR
ILLUSTRATE ADULT ENTERTAINMENT.

(C) NO SIGN MAY PROJECT MORE THAN 12 INCHES
BEYOND THE PRIMARY SURFACE OF ANY BUILDING.

(D) NO FREE STANDING SIGNS ON OR ADJACENT TO
THE PREMISES MAY IDENTIFY OR ADVERTISE AN
ADULT ENTERTAINMENT BUSINESS.

~~(E) NO AWNING SHALL BE PERMITTED IN FRONT OF
ANY PREMISES.~~

Chapter 11 - Administration and Enforcement

11.0-3 The Board of Municipal and Zoning Appeals.

C-3. CONDITIONAL USES. ADULT ENTERTAINMENT
BUSINESSES.

THE BOARD, PRIOR TO GRANTING A CONDITIONAL USE
SHALL:

1. INVESTIGATE THE DISTANCE BETWEEN THE PROPOSED USE AND EXISTING ADULT ENTERTAINMENT BUSINESSES IN THE AREA TO DETERMINE IF THERE WILL BE A NEGATIVE IMPACT ON THE COMMUNITY;
2. CONSIDER THE RELATIONSHIP OF THE PROPOSED USE TO RESIDENCES, EDUCATIONAL INSTITUTIONS (INCLUDING COLLEGES AND UNIVERSITIES) AND RELIGIOUS INSTITUTIONS, WITHIN ~~500~~ 300 FEET, AND DETERMINE THAT THE ADULT USE WILL NOT IMPAIR PUBLIC SAFETY OR THE GENERAL WELFARE;
AND
3. REVIEW THE WRITTEN APPLICATION AND ALL ATTACHED DOCUMENTS.

d. Special exceptions.

3. Authorized special exceptions. Special exceptions from the regulations of this ordinance shall be in accordance with the standards established in Section 11.0-5B of this chapter, and may be granted by the Board only in the following instances, and in no others:

(K) TO AUTHORIZE IN THE B-5 DISTRICT ONLY A 50 PERCENT REDUCTION IN THE ~~500~~ 300 FOOT DISTANCE AND SEPARATION REQUIREMENT BETWEEN ADULT ENTERTAINMENT BUSINESSES, BOOK AND MAGAZINE STORES AND SIMILAR ESTABLISHMENTS (CLASS B) OR PEEP SHOW ESTABLISHMENTS.

e. Variances.

2. Authorized variances. Variances from the regulations of this ordinance shall be in accordance with the standards established in Section 11.0-5c of this chapter, and may be granted by the Board only in the following instances, and in no others:

(J) TO AUTHORIZE IN THE B-5 DISTRICT ONLY A 50 PERCENT REDUCTION IN THE ~~500~~ 300 FOOT DISTANCE AND SEPARATION REQUIREMENT BETWEEN ADULT ENTERTAINMENT BUSINESSES, BOOK AND MAGAZINE STORES AND SIMILAR ESTABLISHMENTS (CLASS B) OR PEEP SHOW ESTABLISHMENTS.

11.0-8 ADULT ENTERTAINMENT BUSINESSES.

A. PERMIT REQUIRED.

NO PERSON SHALL CONDUCT OR OPERATE AN ADULT ENTERTAINMENT BUSINESS WITHOUT HAVING FIRST OBTAINED A PERMIT AS HEREINAFTER PROVIDED.

B. APPLICATION FOR PERMIT.

1. THE OWNER AND OPERATOR OF EVERY ADULT ENTERTAINMENT BUSINESS SHALL JOINTLY MAKE APPLICATION TO THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR A PERMIT FOR THE CONDUCT OF AN ADULT ENTERTAINMENT BUSINESS. THE APPLICATION SHALL BE MADE ON A FORM TO BE FURNISHED BY THE COMMISSIONER. APPLICATION FOR A PERMIT FOR AN ADULT ENTERTAINMENT BUSINESS EXISTING ON THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE MADE WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDINANCE, SHALL BE ISSUED UPON PAYMENT OF FEES, AND SHALL EXPIRE ON JUNE 30, 1995. AN APPLICATION FOR A PERMIT FOR A NEW ADULT ENTERTAINMENT BUSINESS CONDITIONED ON THE GRANTING OF A CONDITIONAL USE SHALL BE MADE ON OR PRIOR TO THE DATE OF FILING THE APPLICATION FOR A CONDITIONAL USE. THE PERMIT SHALL NOT BECOME EFFECTIVE UNTIL A CONDITIONAL USE HAS BEEN GRANTED AND ANY RIGHT OF APPEAL CONTESTING THE GRANT OF THE CONDITIONAL USE HAS BEEN EXHAUSTED.

2. EXCEPT AS PROVIDED IN SECTION 11.0-8B-1 ABOVE, THE COMMISSIONER, BEFORE GRANTING ANY ADULT ENTERTAINMENT BUSINESS PERMIT, SHALL INVESTIGATE THE CHARACTER AND QUALIFICATIONS OF THE

UNIVERSITY OF
COLLEGE PARK
LIBRARIES

APPLICANTS THEREFOR. NO PERMIT SHALL BE ISSUED TO ANY PERSON TO CONDUCT OR OPERATE AN ADULT ENTERTAINMENT BUSINESS UNLESS SUCH PERSON IS OF ASCERTAINED GOOD MORAL CHARACTER. IN MAKING SUCH DETERMINATION, THE COMMISSIONER SHALL CONSIDER (1) ALL CRIMINAL CONVICTIONS OF THE APPLICANT, THE REASONS THEREFOR AND THE SUBSEQUENT DEMEANOR OF THE APPLICANT TO HIS RELEASE, (2) THE BUSINESS HISTORY OF THE APPLICANT, AND (3) SUCH OTHER FACTS RELEVANT TO THE GENERAL PERSONAL HISTORY OF THE APPLICANT AS THE COMMISSIONER SHALL FIND NECESSARY TO A FAIR DETERMINATION OF THE CHARACTER AND QUALIFICATIONS OF THE APPLICANT. WHEN APPLICATION FOR A PERMIT IS MADE BY OR ON BEHALF OF A CORPORATION, PARTNERSHIP OR ASSOCIATION, THE APPLICATION SHALL BE MADE BY THE MANAGER, OFFICER, AGENT OR OTHER PERSON WHO WILL HAVE CHARGE AND MANAGEMENT OF THE ADULT ENTERTAINMENT BUSINESS, AND ALL INFORMATION REQUESTED SHALL BE FURNISHED FOR THAT PERSON AND THE DETERMINATION OF THE COMMISSIONER SHALL BE BASED ON THE ELIGIBILITY OF THAT PERSON.

3. EACH PERMIT SHALL EXPIRE ON JUNE 30 AFTER THE DATE OF ISSUANCE AND SHALL BE RENEWABLE ANNUALLY ON JULY 1 UPON APPLICATION TO AND APPROVAL BY THE COMMISSIONER.

4. THERE SHALL BE A 60-DAY WAITING PERIOD BETWEEN THE DAY OF THE RECEIPT OF THE INITIAL APPLICATION AND THE DATE OF THE ISSUANCE OF THE INITIAL PERMIT.

5. DURING THE 60-DAY WAITING PERIOD AND BEFORE THE ISSUANCE OF AN INITIAL PERMIT, EACH APPLICANT FOR A PERMIT SHALL POST THE PROPOSED LOCATION FOR 15 DAYS, IN ACCORDANCE WITH THE RULES OF THE BOARD OF MUNICIPAL AND ZONING APPEALS. IF, WITHIN THE 15 DAY POSTING PERIOD, NO MORE THAN 9 WRITTEN OBJECTIONS TO THE ISSUANCE OF A LOCATION PERMIT ARE RECEIVED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FROM PERSONS WITHIN THE SAME ELECTION PRECINCT AS THE

PREMISES DESCRIBED IN THE APPLICATION, THEN THE PERMIT MAY BE ISSUED. IF 10 SUCH WRITTEN OBJECTIONS ARE RECEIVED BY THE DEPARTMENT, THEN THE DEPARTMENT SHALL REFER THE MATTER TO THE BOARD OF MUNICIPAL AND ZONING APPEALS FOR A HEARING. THE BOARD SHALL HOLD A PUBLIC HEARING IN RELATION TO THE ISSUANCE OF THE PERMIT, AT WHICH PARTIES IN INTEREST SHALL HAVE AN OPPORTUNITY TO BE HEARD. DENIAL OF A PERMIT SHALL BE IN WRITING, WITH SPECIFIC REASONS GIVEN FOR THE DENIAL. IF THE BOARD DETERMINES THAT THERE ARE SUFFICIENT GROUNDS FOR THE DENIAL OF A PERMIT, THEN THE APPLICANT MAY NOT REAPPLY FOR A PERMIT FOR AT LEAST 12 MONTHS. POSTING SHALL NOT BE REQUIRED FOR THE RENEWAL OF A PERMIT.

6. ALL PROPOSED RULES AND FORMS TO BE REQUIRED IN THIS LICENSING PROCESS SHALL BE ADVERTISED FOR PUBLIC HEARING AND COMMENT BY THE COMMISSIONER. THE ADVERTISEMENT SHALL INCLUDE THE LANGUAGE CONTAINED IN THE PROPOSED RULES AND FORMS, THE DATE, TIME AND LOCATION OF THE PUBLIC HEARING, AND SHALL BE ADVERTISED IN A NEWSPAPER OF GENERAL CIRCULATION. THE ADVERTISEMENT SHALL BE PUBLISHED AT LEAST FIFTEEN (15) DAYS PRIOR TO THE HEARING. THE FINAL RULES AND FORMS SHALL NOT BE ADOPTED BY THE COMMISSIONER PRIOR TO FIFTEEN (15) DAYS AFTER THE PUBLIC HEARING.

C. SPECIAL CONDITIONS APPLICABLE TO ADULT ENTERTAINMENT BUSINESS PERMITS:

(1) HOURS OF OPERATION. NO LIVE ADULT ENTERTAINMENT BUSINESS SHALL BE OPEN FOR BUSINESS CONDUCTED BETWEEN THE HOURS OF 2 A.M. AND 6 P.M., UNLESS THE MARYLAND GENERAL ASSEMBLY EXTENDS THE HOURS OF OPERATION, IN WHICH CASE THAT TIME OF CLOSURE SHALL BE APPLICABLE.

(2) ENTRANCES AND EXTERIORS OF PREMISES.

(A) THE EXTERIOR ENTRANCE DOORS SHALL BE KEPT CLOSED AND ONLY OPENED TO PERMIT ~~EMPLOYEES AND PATRONS TO ENTER AND LEAVE THE PREMISES~~ ENTRY AND EXIT.

TO THE END THAT ADULT ENTERTAINMENT ACTIVITIES ARE NOT VISIBLE FROM THE EXTERIOR OF THE BUILDING.

(B) THE CONDUCT OF THE ADULT ENTERTAINMENT BUSINESS SHALL AT NO TIME BE VISIBLE FROM THE EXTERIOR OF THE PREMISES IN WHICH IT IS CONDUCTED.

(C) ~~SOLICITATION OF PATRONS~~ ANY ATTEMPT TO URGE, INVITE OR ENTICE PUBLIC PATRONS TO ENTER THE PREMISES SHALL NOT BE PERMITTED ~~ON THE SIDEWALKS OR STREETS~~ IN FRONT OF OR WITHIN 50 FEET OF THE PREMISES.

(D) ON AND AFTER JULY 1, 1994, THE PREMISES OF EACH ADULT ENTERTAINMENT BUSINESS SHALL HAVE A VESTIBULE OR LOBBY ENCLOSED BY IMMOBILE WALLS AND CONSISTING OF A PASSAGE, HALL OR ROOM BETWEEN THE OUTER DOOR FACING THE STREET AND THE PART OF THE PREMISES WHERE THE ADULT ENTERTAINMENT BUSINESS IS CONDUCTED.

D. TEMPORARY PERMITS.

UPON APPLICATION, THE COMMISSIONER ~~MAY~~ SHALL ISSUE A TEMPORARY ADULT ENTERTAINMENT BUSINESS PERMIT TO ANY APPLICANT WHO WAS, UPON THE EFFECTIVE DATE OF THIS SUBTITLE, THE OWNER AND THE OPERATOR OF SUCH AN ESTABLISHMENT IN BALTIMORE CITY, PENDING REVIEW AND INVESTIGATION OF THE APPLICATION SUBMITTED. A TEMPORARY PERMIT SHALL REMAIN IN EFFECT FOR A PERIOD OF 30 DAYS OR UNTIL ISSUANCE OF THE PERMANENT PERMIT. IF THE APPLICATION FOR THE PERMANENT PERMIT IS DENIED, THE TEMPORARY PERMIT SHALL IMMEDIATELY EXPIRE AND SHALL BE OF NO FURTHER FORCE OR EFFECT.

E. PERMIT FEES.

1. THE ~~ANNUAL~~ PERMIT FEE SHALL BE ~~\$1,500~~ \$1,000 PER YEAR FOR EACH ADULT ENTERTAINMENT BUSINESS, PAYABLE ON OR BEFORE JUNE 30 OF EACH YEAR. THE INITIAL ANNUAL PERMIT FEE SHALL BE PRORATED AT THE RATE OF ~~\$125~~ \$80 FOR EVERY MONTH.

2. THE FEE FOR A TEMPORARY PERMIT SHALL BE ~~\$500~~ \$100.

F. RENEWAL PERMITS.

ANY PERSON ISSUED A PERMIT UNDER THIS SECTION MAY APPLY FOR A RENEWAL OF THE PERMIT ON A FORM PROVIDED BY THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT NOT LESS THAN 30 DAYS NOR MORE THAN 60 DAYS BEFORE EXPIRATION OF THE PERMIT.

1. THE PERMIT RENEWAL APPLICATION FORM SHALL CONTAIN SUCH INFORMATION AS THE COMMISSIONER SHALL REQUIRE.

2. UPON FILING THE PERMIT RENEWAL APPLICATION AND UPON PAYMENT OF THE PERMIT RENEWAL FEE OF ~~\$1500~~ \$1000 EXCEPT AS PROVIDED IN SUBSECTION 11.0-8G BELOW, THE COMMISSIONER SHALL APPROVE THE PERMIT RENEWAL APPLICATION OF THE APPLICANT UNLESS 10 OR MORE WRITTEN OBJECTIONS FROM PERSONS PROPERTY OWNERS OR RESIDENTS WITHIN THE SAME ELECTION PRECINCT AS THE PREMISES DESCRIBED IN THE APPLICATION ARE FILED WITH THE BOARD NOT LATER THAN 30 DAYS BEFORE THE EXPIRATION OF THE PERMIT.

~~3. IF 10 OR MORE OBJECTIONS FROM PERSONS WITHIN THE SAME ELECTION PRECINCT AS THE PREMISES DESCRIBED IN THE APPLICATION ARE RECEIVED BY THE BOARD, THE BOARD SHALL NOTIFY THE APPLICANT AND SHALL HOLD A HEARING TO DETERMINE IF THE PERMIT SHALL BE RENEWED.~~

G. THE ~~BOARD~~ COMMISSIONER MAY DENY A PERMIT OR A PERMIT RENEWAL OR SUSPEND A PERMIT FOR NOT ~~LESS THAN 30 DAYS OR MORE THAN 90 DAYS~~ FOR ANY OF THE FOLLOWING CAUSES:

1. FAILURE TO MAKE TIMELY APPLICATION FOR A PERMIT.

2. FAILURE TO PAY THE APPLICABLE PERMIT FEE ON OR BEFORE THE DUE DATE.

3. FAILURE TO COMPLY WITH ANY PROVISION OF THIS SECTION OR ANY RULE OR REGULATION THAT MAY BE ADOPTED PURSUANT TO THIS SECTION.

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4. THE MAKING OF ANY MATERIAL FALSE STATEMENT IN ANY INITIAL OR RENEWAL APPLICATION FOR A PERMIT.

5. ADJUDICATION, WITH REASONABLE TIME TO CURE, ANY VIOLATION OF ANY PROVISION OF THE FIRE, HEALTH, BUILDING OR ZONING CODES OF BALTIMORE CITY OR ANY OTHER ORDINANCES, RULES AND REGULATIONS OF THE CITY.

6. LACK OF ACCESSIBILITY FOR FIRE AND POLICE PROTECTION.

~~7. LACK OF ACCESSIBILITY OF LIGHT AND AIR.~~

H. UPON THE FIRST GUILTY PLEA AND/OR CONVICTION FOR ANY VIOLATION ON THE PREMISES BY ANY PERSON, FOR AN ACTIVITY PROHIBITED BY THE PROVISIONS OF ARTICLE 27 OF THE ANNOTATED CODE OF MARYLAND PROSCRIBING (1) THE ILLEGAL MANUFACTURE, DISTRIBUTION, POSSESSION OR ADMINISTRATION OF CONTROLLED DANGEROUS SUBSTANCES, (2) PROSTITUTION, SODOMY, PERVERTED SEXUAL PRACTICES, BAWDY HOUSE OR DISORDERLY HOUSE, OR (3) ANY OTHER LAW RELATING TO OBSCENE MATTER AND/OR IMMORAL PRACTICES, ~~THE BOARD SHALL~~ COMMISSIONER MAY SUSPEND THE PERMIT FOR NOT MORE THAN 15 DAYS. UPON A SECOND OR FURTHER GUILTY PLEA AND/OR CONVICTION OCCURRING LESS THAN 3 YEARS FROM WITHIN 12 MONTHS OF THE FIRST CONVICTION, THE PERMIT SHALL MAY BE SUSPENDED FOR NOT MORE THAN 30 DAYS, AND, UPON A THIRD GUILTY PLEA/AND OR CONVICTION WITHIN 3 2 YEARS, THE PERMIT SHALL BE REVOKED IF THE CONVICTION IS OF A PERSON WHO IS A MANAGER OR OWNER OF THE BUSINESS.

~~I. IN THE EVENT OF THE DENIAL OR REVOCATION OF ANY PERMIT, THE NON CONFORMING OR CONDITIONAL USE OF THE ADULT ENTERTAINMENT BUSINESS SHALL BE DISCONTINUED AND CEASE.~~

J. NOTICE AND HEARING; APPEAL.

NO PERMIT SHALL BE DENIED OR REVOKED OR A RENEWAL PERMIT REFUSED BY THE COMMISSIONER UNLESS THE COMMISSIONER SHALL FIRST HAVE GIVEN THE APPLICANT FOR THE PERMIT NOT LESS THAN 10 DAYS NOTICE IN WRITING OF THE DECISION OF THE COMMISSIONER TO REVOKE, DENY OR REFUSE TO RENEW THE PERMIT AND AN OPPORTUNITY TO BE HEARD AS

TO WHY THE PERMIT SHOULD NOT BE DENIED OR REVOKED. AN APPEAL TO THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY BE TAKEN BY ANY PERSON AGGRIEVED BY THE DECISION OF THE COMMISSIONER IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF CHAPTER 11 OF THIS ARTICLE AND THE RULES OF THE BOARD; HOWEVER, THE DECISION OF THE COMMISSIONER SHALL BE STAYED UNTIL THE BOARD CONDUCTS ITS HEARING AND RENDERS ITS OPINION.

K. TRANSFER OF PERMIT.

AN ADULT ENTERTAINMENT BUSINESS PERMIT IS NOT TRANSFERABLE, WITHOUT A NEW APPLICATION TO THE COMMISSIONER. THE COMMISSIONER SHALL TREAT THE APPLICATION FOR TRANSFER AS IF IT WERE AN APPLICATION FOR RENEWAL.

L. PERMIT TO BE POSTED.

THE PERSON TO WHOM ANY PERMIT IS ISSUED HEREUNDER SHALL DISPLAY IT IN THE LOBBY, VESTIBULE OR OTHER PROMINENT PLACE ON THE PREMISES.

N. ~~PENALTIES.~~

~~IN ADDITION TO THE FINES PROVIDED FOR IN SECTION 11.0 7, ANY PERSON VIOLATING ANY PROVISION OF THIS SECTION 11.0 8, IS PUNISHABLE UPON CONVICTION BY IMPRISONMENT NOT TO EXCEED 90 DAYS, OR BY BOTH FINE AND IMPRISONMENT.~~

O. ~~COMMISSION~~ ADVISORY TASK FORCE ESTABLISHED; PURPOSE.

THERE IS HEREBY ESTABLISHED AN ADULT ENTERTAINMENT BUSINESS ~~COMMISSION~~ ADVISORY TASK FORCE. THE COMMISSION ADVISORY TASK FORCE SHALL MONITOR THE CONDUCT OF ALL ADULT ENTERTAINMENT BUSINESSES, SHALL HAVE STANDING TO CONTEST THE ISSUANCE, DENIAL OR RENEWAL OF ANY ADULT ENTERTAINMENT BUSINESS PERMIT AND SHALL GENERALLY ADVISE THE APPROPRIATE ADMINISTRATIVE AND ELECTED OFFICIALS ON MATTERS RELATED TO THE CONDUCT OF ADULT ENTERTAINMENT BUSINESSES.

P. COMPOSITION OF ~~COMMISSION~~ ADVISORY TASK FORCE;
APPOINTMENT AND TERMS OF MEMBERS.

1. THE ~~COMMISSION~~ ADVISORY TASK FORCE SHALL
CONSIST OF 9 MEMBERS WHO SHALL SERVE WITHOUT
COMPENSATION. THE MAYOR SHALL APPOINT THE
MEMBERS OF THE ~~COMMISSION~~ ADVISORY TASK FORCE,
AS FOLLOWS:

(A) ~~THREE~~ TWO MEMBERS SHALL BE CHOSEN FROM
A LIST OF ~~5~~ 4 NOMINATED BY THE CITIZENS
PLANNING AND HOUSING ASSOCIATION.

(B) ~~THREE MEMBERS~~ ONE MEMBER SHALL BE
CHOSEN FROM A LIST OF ~~5~~ 2 NOMINATED BY THE
GREATER BALTIMORE COMMITTEE.

(C) ONE MEMBER SHALL BE CHOSEN FROM A LIST
OF 2 NOMINATED BY THE BALTIMORE CITY
CHAMBER OF COMMERCE.

~~(C) ONE MEMBER~~ (D) THREE MEMBERS, TWO OF
WHICH SHALL BE MEMBERS OF THE EAST
BALTIMORE STREET MERCHANTS ASSOCIATION,
SHALL BE CHOSEN FROM A LIST OF 2 ~~6~~ 6 ~~NOMINATED
BY THE HOLDERS OF ADULT ENTERTAINMENT
PERMITS.~~

~~(D)~~ (E) ONE MEMBER SHALL BE CHOSEN FROM A
LIST OF 2 NOMINATED BY THE ~~CHAIR OF THE
BALTIMORE CITY PLANNING COMMISSION
DOWNTOWN PARTNERSHIP, INC.~~

~~(E)~~ (F) ONE MEMBER SHALL BE A MEMBER OF THE
BALTIMORE CITY COUNCIL NOMINATED BY THE
PRESIDENT OF THAT BODY.

2. THE TERM OF MEMBERSHIP IS 3 YEARS. A PERSON
MAY NOT SERVE MORE THAN 2 CONSECUTIVE TERMS.
THE INITIAL TERMS OF ~~COMMISSION~~ ADVISORY TASK
FORCE MEMBERS SHALL BE STAGGERED BY DESIGNATION
BY THE MAYOR AS FOLLOWS: 3 OF THE INITIAL
~~COMMISSION~~ ADVISORY TASK FORCE MEMBERS TO
SERVE FOR AN INITIAL TERM OF 3 YEARS; 3 ~~COMMISSION~~

ADVISORY TASK FORCE MEMBERS TO SERVE FOR AN INITIAL TERM OF 2 YEARS; AND 3 COMMISSION
ADVISORY TASK FORCE MEMBERS TO SERVE FOR AN INITIAL TERM OF 1 YEAR. THE MAYOR SHALL DESIGNATE THE CHAIR.

Chapter 13 - Rules and Definitions

13.0-2 Definitions.

3A. ADULT ENTERTAINMENT BUSINESS: A PUBLIC OR PRIVATE COMMERCIAL ESTABLISHMENT WHERE PERSONS APPEAR IN A STATE OF TOTAL OR PARTIAL NUDITY IN PERSON, ON FILM, ON SLIDES OR ON VIDEO TAPES. FOR PURPOSES OF THIS DEFINITION, THE TERM "FILM" SHALL NOT INCLUDE MOTION PICTURES RATED BY THE MOTION PICTURE ASSOCIATION OF AMERICA. "COMMERCIAL ESTABLISHMENT" SHALL INCLUDE BUT NOT BE LIMITED TO, A RESTAURANT, NIGHTCLUB, DANCE HALL, PEEP SHOW, HOTEL OR MOTEL, PRIVATE CLUB OR SOCIAL HALL IF ADULT ENTERTAINMENT IS PROVIDED AS AN ACCESSORY OR PRINCIPAL USE.

(1) "NUDITY" MEANS THE SHOWING OF THE HUMAN MALE OR FEMALE GENITALS, PUBIC AREA OR BUTTOCKS WITH LESS THAN A FULL OPAQUE COVERING, OR THE SHOWING OF THE FEMALE BREAST WITH LESS THAN A FULLY OPAQUE COVERING OF ANY PORTION THEREOF BELOW THE TOP OF THE NIPPLE, OR THE DEPICTION OF COVERED MALE GENITALS IN A DISCERNIBLY TURPID STATE.

(2) "PARTIAL NUDITY" MEANS A STATE OF DRESS IN WHICH OPAQUE CLOTHING COVERS NO MORE THAN THE HUMAN MALE OR FEMALE GENITALS, PUBIC AREA OR BUTTOCKS, OR THE FEMALE BREASTS BELOW THE TOP OF THE NIPPLE, AS WELL AS PORTIONS OF THE BODY COVERED BY SUPPORTING STRAPS OR DEVICES.

SEC. 2. AND BE IT FURTHER ORDAINED, That the provisions of this ordinance are hereby declared to be severable. If any clause, sentence, paragraph or part of this ordinance shall be adjudged by any

court of competent jurisdiction to be invalid, said judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part of such section directly involved in the controversy and in which such judgment shall have been rendered.

SEC. 3. AND BE IT FURTHER ORDAINED, That the provisions of this ordinance expressly are intended to supersede any other provisions of the Zoning Ordinance or the Municipal Center Urban Renewal Plan as adopted and amended by the Mayor and City Council which deals with any use in any zoning district, whether permitted by right, conditionally, or through special exception or variance, which otherwise would allow the establishment or continued use of an adult entertainment business, book and magazine stores and similar establishments (Class B) or peep show establishment.

SEC. 4. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved August 10, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 259

(Council Bill No. 517)

AN ORDINANCE concerning

REZONING - ALLIED AND RELATED SITES

FOR the purpose of changing to the B-2-2 Zoning District the zoning for the property bounded generally by the Baltimore Harbor to the south and west, the Lady Maryland site and ~~Lancaster Street~~ to the north and ~~Dallas Alley~~, Caroline Street and Thames Street to the east, as outlined in red on the amended plat accompanying this ordinance.

BY amending Zoning District Maps

Sheets No. 66 and 67

Article 30 - Zoning

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheets No. 66 and 67 of the Zoning District Maps of Article 30-Zoning of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning" be and it is hereby amended by changing to the B-2-2 Zoning District the property bounded generally by the Baltimore Harbor to the south and west, the Lady Maryland site ~~and Lancaster Street~~ to the north and ~~Dallas Alley,~~ Caroline Street and Thames Street to the east, as outlined in red on the amended plat accompanying this ordinance.

SEC. 2. AND BE IT FURTHER ORDAINED, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved August 10, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 260

(Council Bill No. 518)

AN ORDINANCE concerning

ZONING - PLANNED UNIT DEVELOPMENT -
ALLIED AND RELATED SITES

FOR the purpose of approving the application of AlliedSignal, being principal owner of the property known as Allied and Related Sites, being the property bounded generally by the Baltimore Harbor to the south and west, the Lady Maryland site ~~and Lancaster Street~~ to

the north and ~~Dallas Alley~~, Caroline Street and Thames Street to the east, consisting of approximately ~~28.9~~ 27.35 acres, more or less, as outlined on the accompanying Development Plan (the "Property"), to designate that Property as a Planned Unit Development in accordance with Chapter 12 of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) ~~and~~, to approve the Development Plan submitted for this purpose by AlliedSignal subject to certain conditions, and providing for certain requirements in the Development Plan.

BY authority of

Article 30 - Zoning

Chapter 12 - Planned Developments

Baltimore City Code (1983 Replacement Volume, as amended)

WHEREAS, AlliedSignal and other identified parties own all of the Property consisting of approximately ~~28.9~~ 27.35 acres, more or less, and generally known as Allied and Related Sites; and

WHEREAS, On March 2, 1993, in order to institute proceedings to have the Property designated a Planned Unit Development, representatives of AlliedSignal met with duly designated officers of the Baltimore City Planning Commission to hold a Pre-Petition Conference to explain the scope and nature of the existing and proposed development on the Property; and

WHEREAS, By introduction of the Ordinance, AlliedSignal and other specified owners of parcels which comprise the Property apply to the Mayor and City Council of Baltimore for designation of the Property as a Planned Unit Development and submit the requisite Development Plan intended to satisfy the requirements specified in Chapter 12 of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended); and

WHEREAS, The Property has been, or will be concurrently with the passage of this Ordinance, designated for Mixed Use under an Amendment to the Fells Point Urban Renewal Plan; and

WHEREAS, The Property has been, or will be concurrently with the passage of this Ordinance, rezoned to a B-2-2 zone; and

WHEREAS, In requesting the introduction of the Ordinance, AlliedSignal signifies its present intention to implement and maintain

the development of the Property in accordance with the Development Plan for the Property; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the application of AlliedSignal and other parcel owners, owners of the Property known as the Allied and Related Sites which Property is bounded generally by the Baltimore Harbor to the south and west, the Lady Maryland site and Lancaster Street to the north and ~~Dallas Alley~~, Caroline Street and Thames Street to the east, consisting of approximately ~~28.9~~ 27.35 acres, more or less, as outlined on the accompanying Development Plan, being the property comprising all of the following parcels:

<u>Owner</u>	<u>Address</u>	<u>Ward</u>	<u>Section</u>	<u>Block</u>	<u>Lot</u>
AlliedSignal	100 Wills (including riparian)	3	7	1815	1
AlliedSignal	1431 Block	3	7	1825	5
AlliedSignal	1401 Philpot	3	7	1825	1
AlliedSignal	902 S. Caroline	3	7	1817	10
900 Caroline Partnership	1423 Dock	3	7	1817	12
900 Caroline Partnership	900 S. Caroline	3	7	1817	11
Herman M. Meyer & Wife	1400 & 1410 Block	3	7	1817	1 & 2
Lacy Foundries	1401 Block	3	7	1825	4
Lacy Foundries	1412 Block	3	7	1817	3
Ferndale Fence	1404 Thames	3	7	1825	6
Orfanos	905 S. Caroline	3	7	1817	4
~~Mayor and~~	~~City Council 721 S. Caroline~~	~~3~~	~~7~~	~~1809~~	~~27~~
~~Mayor and~~	~~City Council 1516 Lancaster~~	~~3~~	~~7~~	~~1809~~	~~23~~
~~Mayor and~~	~~City Council 1524 Lancaster~~	~~3~~	~~7~~	~~1809~~	~~22~~
~~Mayor and~~	~~City Council 1526 Lancaster~~	~~3~~	~~7~~	~~1809~~	~~21~~
~~Mayor and~~	~~City Council 1528 Lancaster~~	~~3~~	~~7~~	~~1809~~	~~20~~
~~Mayor and~~	~~City Council 1530 Lancaster~~	~~3~~	~~7~~	~~1809~~	~~19~~
Mayor and	City Council Beds of Wills, Dock, Block and Philpot; bed of Caroline south of Lancaster; bed of Thames south of Block	--	--	----	--
Mayor and	City Council Infilled slip south	--	--	----	--

of City Pier and
contiguous property
Allied Signal Infilled slip south -- -- ---- --
of City Pier

to designate that Property as a Planned Unit Development in accordance with Chapter 12 of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended), be and is hereby approved.

SEC. 2. AND BE IT FURTHER ORDAINED, That the Development Plan for the Property (consisting of 9 sheets all dated ~~March 8~~ April 4, 1993 and identified as follows: Sheet 1, Illustrative Aerial View, Local Map and Index, revised June 14, 1993; Sheet 2, Existing Conditions, revised June 14, 1993; Sheet 3, Illustrative Site Plan, Promenade Section and Perspective, revised June 14, 1993; Sheet 4, Public Open Space, Promenade and Streets, revised June 14, 1993; Sheet 5, Development Parcels, revised June 14, 1993; Sheet 6, Height Diagram, revised June 14, 1993; Sheet 7, Existing and Conceptual Sanitary Sewer; Sheet 8, Existing and Conceptual Water; Sheet 9, Existing and Conceptual Storm Drain) as attached to this Ordinance and made a part of it, be and is hereby approved.

SEC. 3. AND BE IT FURTHER ORDAINED, That this approval is granted subject to the following condition:

Within 12 months of Federal Environmental Protection Agency and Maryland Department of the Environment final approval of the remediation cap design, the owner of the property shall submit to the City Council for its approval by Resolution a specific plan for the interim use of the property in accordance with Section C, 11 of Appendix A of the Fells Point Urban Renewal Plan, as amended; this plan shall include a description of site preparation, site maintenance, the temporary or permanent promenade (as required by Appendix C of the Fells Point Urban Renewal Plan, as amended) and a detailed time schedule for completion of the interim use; provided, however, that there shall be no requirement for interim use or for an interim use plan as to any parcel or parcels within the PUD area in the event that plans for such parcel or parcels are approved by the Planning Commission as provided in Section 12 below.

SEC. ~~3~~ 4. AND BE IT FURTHER ORDAINED, That, in accordance with 12.0-4 of the Zoning Ordinance of Baltimore City (the "Zoning Ordinance"), uses in the Allied and Related Sites Planned Unit Development shall be authorized as follows:

The following uses are specifically approved as permitted uses in the Allied and Related Sites Planned Unit Development:

- a. All permitted uses under B-2-2 zoning.
- b. All uses permitted under the Fells Point Urban Renewal Plan.
- c. All additional uses which may hereafter be permitted under (a) or (b) above as the same may be amended from time to time.
- d. Hazardous waste extraction, handling and , treatment, storage and hauling, but only to the extent necessary to comply with the Consent Decree governing part of the Property.

SEC. 4.5. AND BE IT FURTHER ORDAINED, That the minimum yard requirements shall not be applicable to specific lots created within the Property.

SEC. 5.6. AND BE IT FURTHER ORDAINED, That the term of this Planned Unit Development shall expire twenty-five (25) years after the date remediation is completed in accordance with the Consent Decree.

SEC. 7. AND BE IT FURTHER ORDAINED, That the maximum gross building area will be limited to 1.8 million square feet, and the maximum gross building area including parking will be limited to 2.4 million square feet; provided further that the 2.4 million square feet may be increased for additional parking if approved by the Planning Commission, and provided further, that the permitted square footage for building area and for parking are exclusive of any performing arts center or other public or quasi-public structures.

SEC. 8. AND BE IT FURTHER ORDAINED, That the 150 foot height designation on PUD sheet 6, Area 6 will be replaced by a 120 foot height designation, provided that a like amount of gross building area shall be added above the 90 foot height level designation on Areas 1, 2, 3, and 4.

SEC. 9. AND BE IT FURTHER ORDAINED, That the land area of lots 1, 2, 3, or 4 on PUD sheet 4 can be reduced (and public land area increased) by up to .16 to allow an increase in the footprint of the public building site up to a 2 acre maximum, if the additional land is deemed necessary by June 30, 1996.

SEC. 10. AND BE IT FURTHER ORDAINED, That the parking required by development in the PUD area shall be accommodated by off-street facilities located within or proximate to, the PUD area; however the lot located east of Caroline Street and north of Dock Street shall not be utilized for parking to support development in the PUD Area, and provided further, that the Planning Commission has the discretion to permit the total count of parking spaces required for all uses within any one development lot or among multiple development lots on the property to be reduced to reflect a demonstrated reduction in the need for parking spaces due to shared use, public transportation or other causes.

SEC. ~~6~~ 11. AND BE IT FURTHER ORDAINED, That subsequent to enactment of this Ordinance, all substantial changes in the approved Development Plan for the Property shall be reviewed and approved by the Planning Commission to insure that those changes are consistent with this Ordinance.

SEC. ~~7~~ 12. AND BE IT FURTHER ORDAINED, That subsequent to the passage of this Ordinance by the City Council, all plans for construction of material improvements upon the Property shall be reviewed and approved by the Planning Commission to insure that such plans are reasonably consistent with the Development Plan and this Ordinance.

SEC. ~~8~~ 13. AND BE IT FURTHER ORDAINED, That, as evidence of the authenticity of the Development Plan approved by this Ordinance and in order to give notice to the departments that administer the Zoning Ordinance of Baltimore City, the President of the City Council shall sign the Development Plan upon passage of this Ordinance by the City Council, the Mayor shall sign the Development Plan upon his approval of this Ordinance, and the Director of Finance shall transmit a copy of the Ordinance and the Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SEC. ~~9~~ 14. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved August 10, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 261

(Council Bill No. 519)

AN ORDINANCE concerning

URBAN RENEWAL - FELLS POINT URBAN RENEWAL AREA -
AMENDMENT NO. 16

FOR the purpose of amending the Urban Renewal Plan for Fells Point Urban Renewal Area to, among other things: (1) create Waterfront Control Area 9; (2) provide for special requirements for Area 9 relating to a special task force for the area, building height, parking requirements, and the public pedestrian promenade; (3) revise appropriate Exhibits attached to the Plan to reflect the changes proposed herein; (4) waive such requirements, if any, as to the content or procedure for the preparation, adoption and approval of renewal plans as set forth in Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended) which the Renewal Plan for Fells Point may not meet; (5) provide for the severability of the various parts and applications of this ordinance; (6) provide that where the provisions of this ordinance shall conflict with any other ordinance, code or regulation in force in the City of Baltimore, the provision which establishes the higher standard shall prevail; and (7) provide for an effective date hereof.

WHEREAS, An Urban Renewal Plan for the Fells Point Urban Renewal Area was first approved by the Mayor and City Council of Baltimore by Ordinance No. 999, dated October 14, 1975 and last amended by Ordinance No. 412, dated November 21, 1989; and

WHEREAS, Pursuant to Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended), no substantial change or changes shall be made in any renewal plan, after approval by ordinance, without such change or changes first being adopted and approved in the same manner as set forth in said Article 13 for the approval of renewal plans, namely approval and adoption by ordinance of the Mayor and City Council of Baltimore after a public hearing in relation thereto, all in the manner set forth in said Article 13; and

WHEREAS, In accordance with the provisions of Section 25(h) of said Article 13, when a Council Member initiates an amendment to an

existing renewal plan, such bill shall be sent to the Department of Housing and Community Development and to the Planning Commission for recommendation and report; now, therefore,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following amendments and changes to the Renewal Plan for the Fells Point Urban Renewal Area, having been duly reviewed and considered, is hereby approved and the Clerk of the City Council is hereby directed to file a copy of said amended Renewal Plan, revised to include Amendment No. 16, dated ~~March 8~~ June 17, 1993, with the Department of Legislative Reference as a permanent public record and to make the same available for public inspection and information:

1. On page 4, in subsection A.2.k., strike k and substitute the following language:

"k. To promote, expand, maintain and strengthen the historic waterfront character of Fells Point by promoting and expanding (as well as retaining) historic maritime uses on, or adjacent to, the waterfront."
2. On page 7, in subsection B.1.c, after the SPECIAL RESTRICTION paragraph insert:

"SPECIAL EXCEPTIONS: Regarding Waterfront Control Area 9, the following exceptions shall apply: (1) any auditorium or concert hall may exceed 1000 seats; (2) minimum lot area per dwelling unit shall be as permitted under the Planned Unit Development governing Area 9; (3) office space is not limited to 60% of any development project; and (4) permitted uses are as set forth in the Plan and as permitted under the zoning ordinances governing Area 9 and the Planned Unit Development."
3. On page 14, in subsection C.4.b., insert the following new paragraph and new subsection C.4.c.:

"Special Task Force for Area 9: In addition to the above provisions, the Fells Point community organizations (as defined in b. above) may form a special Task Force to review and comment upon proposed development in Area 9. When the Commissioner notifies the community groups regarding proposed Area 9 development, the Commissioner's notice shall

specifically state that the Task Force may be convened; when convened, the Commissioner shall work closely with such Task Force; if requested by the Task Force, the Commissioner may extend the review process beyond the four (4) weeks as provided above, to a maximum total of eight (8) weeks.

c. Criteria For Review of Tall Buildings in Area 9: In approving and reviewing plans for new development in Area 9, the Department of Housing and Community Development shall take into consideration the bulk and proportions of any building proposed to rise above ninety (90) feet, the appearance of the proposed building design when viewed from adjacent neighborhoods and, specifically, the comments of the Task Force appointed to represent the community organizations in the Fells Point Urban Renewal Area. The Commissioner of the Department of Housing and Community Development may withhold approval on aesthetic or functional grounds, provided that the cause of withholding approval shall be specified by written notice to the developer; in any event, the Commissioner's approval on such grounds may not unreasonably be withheld."

4. On page 19, Appendix A, section C.10a., after the paragraph under "Office" insert:

" In addition, in Area 9 the Commissioner of the Department of Housing and Community Development has the discretion to permit the total count of parking spaces for all uses within any one development lot or among multiple development lots to be reduced to reflect a demonstrated reduction in the need for parking spaces due to shared use, public transportation or other causes. Furthermore, the parking required by development in Area 9 shall be accommodated by off-street facilities located within, or proximate to, Area 9; however, the block bounded by Caroline, Lancaster, Dallas and Dock Streets shall not be used for parking to permit development on Area 9."

5. On page 19, Appendix A, after section C.10.d insert:

"11. Special Design Provisions for Area 9

- a. The open space in Area 9 shall be developed in a variety of landscaped green spaces, with 24-hour free public access.

- b. Both public and private buildings facing the water should be designed to relate to, and provide public access to, the pedestrian promenade.
 - c. To the extent reasonably feasible, first floor street frontage and the public spaces should be ~~oriented to~~ occupied by retail and/or other pedestrian-oriented uses.
 - d. All vacant property and all improvements, appurtenances and personal property located within such property shall be maintained in a first class state of repair and appearance and shall be kept reasonably free from trash and debris, including all public sidewalks, walkways, pedestrian areas, and alleys within such property (whether or not publicly owned and/or dedicated).
 - e. Temporary or interim off-street parking lots may be constructed where justified by functional or economic reasons.
 - f. All land not covered by interim or permanent structures, paved parking, loading or service areas, paved areas for pedestrian circulation or decorative surface treatments shall be provided with landscape treatment consisting of the planting of grass, ground cover, flowers and/or trees and shrubs, in order to improve the appearance of the site."
6. On page 25, Appendix C, Pedestrian Access, insert the following second paragraph:
- ~~"Provided AlliedSignal elects to proceed with the development of Area 9, an interim or temporary pedestrian promenade shall be constructed around the waterfront of Area 9 within a reasonable time after AlliedSignal has completed remediation of its site and the environmental monitoring process is operative; thereafter, the timetable for construction of any permanent Pedestrian Promenade on Area 9 shall be established in the reasonable discretion of the Commissioner."~~ "An interim or temporary pedestrian promenade shall be constructed on existing land around the waterfront of Area 9 within a reasonable time after AlliedSignal has completed remediation of

its site, provided such construction is feasible without disturbing the remediation elements and the environmental monitoring process, and such construction is approved by the Environmental Protection Agency, Maryland Department of the Environment, and appropriate city agencies. As development occurs, the timetable for construction of the permanent Pedestrian Promenade on Area 9 shall be established in the reasonable discretion of the Commissioner; such construction shall be the responsibility of each developer."

7. On page 26, Appendix C, Promenade Standards, section 7 (c), add the following sentence:

Within Area 9, the Promenade may be of wood-deck design.

8. On page 26, Appendix C, Public Access Corridors, add the following sentence:

'14. From a point at the approximate intersection of the realigned Wills Street and Philpot Street south to the water.'

9. On page 26, Appendix C, Height Limitations, substitute the number 9 for the number 8 on the second line of that paragraph where it says "area 1 through 8."

- § 10. On page 27, Appendix C, Height Limitations, after "Area 8" paragraph add:

"Area 9 - Within Area 9 a 45 foot height at the edge is imposed along the Harbor and in the area adjacent to Fells Point at Caroline Street or Dallas Alley; the maximum heights shall step up to 180 feet in the center block of the site all as set forth in the Planned Unit Development governing Area 9."

- 9 11. On page 27, at the bottom of the page add the following revised date:

"March 8 June 17, 1993".

13. Amend Land Use Plan (Exhibit 1) to provide that all land in the Urban Renewal Area west of the existing eastern boundary of Caroline Street and west of the eastern boundary of Thames

Street (all such land being referred to herein and on Appendix C as "Area 9") shall be designated for Mixed Land Use.

14. On Exhibits 1, 3, and 4 Appendix C, remove all references and descriptions relating to the block bounded by Lancaster, Caroline, Dock and Dallas Streets.

SEC. 2. AND BE IT FURTHER ORDAINED, That in whatever respect, if any, the Renewal Plan approved hereby for the Fells Point Urban Renewal Area may not meet the requirements as to the content of a renewal plan or the procedure for the preparation, adoption, and approval of renewal plans as provided in Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended), the said requirements are hereby waived and the amended Renewal Plan approved hereby is exempted therefrom.

SEC. 3. AND BE IT FURTHER ORDAINED, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this Ordinance or the application thereof to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this Ordinance without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof so held invalid.

SEC. 4. AND BE IT FURTHER ORDAINED, That in any case where a provision of this Ordinance concerns the same subject matter as an existing provision of any zoning, building, electrical, plumbing, health, fire or safety ordinance or code or regulation, the applicable provisions concerned shall be construed so as to give effect to each; provided, however, that if such provisions are found to be in irreconcilable conflict, the provision which establishes the higher standard for the promotion of the public health and safety shall prevail. In any case where a provision of this Ordinance is found to be in conflict with an existing provision of any other ordinance or code or regulation in force in the City of Baltimore which establishes a lower standard for the promotion and protection of the public health and safety, the provision of this Ordinance shall prevail, and the other existing provision of such other Ordinance or code or regulation is hereby repealed to the extent that it may be found in conflict with this Ordinance.

SEC. 5. AND BE IT FURTHER ORDAINED, That this Ordinance shall take effect on the 30th day after the date of its enactment.

Approved August 10, 1993

KURT L. SCHMOKE, Mayor

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CITY OF BALTIMORE

ORDINANCE NO. 262

(Council Bill No. 493)

AN ORDINANCE concerning

FIRE AND POLICE EMPLOYEES' RETIREMENT SYSTEM

FOR the purpose of increasing the service retirement allowance from 1.8% to 2.0% for years of service in excess of 20, for any member who retires on or after June 29, 1993; ~~providing the special death benefit to certain permanently disabled children of members who die on or after July 1, 1993, where no surviving spouse is entitled to such benefit;~~ in the case of a retired member receiving maximum benefits, who dies on or after July 1, 1993, providing a 50% survivor benefit to the surviving spouse (to whom the member was married at least one year before retirement or at least ~~three~~ five years before and/or after retirement), or to the deceased member's unmarried child or children up to a certain age, ~~or to the deceased member's permanently disabled and unmarried child or children until the earlier of death or marriage;~~ increasing the current survivors' benefit from 42.5% to 50% as of July 1, 1993 for all beneficiaries entitled to receive the 42.5% benefit as of June 30, 1993; applying the value of any net unallocated interest surplus as of June 30, 1992, to offset the cost of the Ordinance as it applies to active members; reducing the members' contribution from 7% of regular compensation to ~~2%~~ 6% of regular compensation ~~as of July 1, 1993;~~ and applying the value of the ~~Contingency Reserve~~ actuarial surplus in the Paid Up Benefit Fund as of June 30, 1992 1993, ~~as necessary~~ to fund the increase in survivor's benefits for those presently retired and beneficiaries of those previously retired; and to recognize future savings to the City due to little or no pay increases.

BY repealing and reordaining with amendments
Article 22 - Retirement Systems
Subtitle - Fire and Police Employees

Section ~~34(b)(4)~~, ~~34(i)(3)~~, ~~34(k)~~, ~~36(h)~~ 35(b)
Baltimore City Code (1983 Replacement Volume, as amended)

BY adding

Article 22 - Retirement Systems

Subtitle - Fire and Police Employees

Section ~~36(A)(f)~~ 34(b)(4), 34(k)(5), 34(k)(6), 36A(f), 36(h)(4),
36A(f)

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 22 - RETIREMENT SYSTEMS

Fire and Police Employees

34. Benefits.

(b) Allowance on service retirement. Upon retirement from service a member shall receive a retirement allowance as follows:

(4) FOR ANY MEMBER WHO RETIRES ON OR AFTER JUNE 29, 1993, THE SERVICE RETIREMENT ALLOWANCE SHALL CONSIST OF:

(A) AN ANNUITY WHICH SHALL BE THE ACTUARIAL EQUIVALENT OF HIS ACCUMULATED CONTRIBUTIONS AT THE TIME OF HIS RETIREMENT.

(B) A PENSION, WHICH TOGETHER WITH HIS ANNUITY SHALL BE EQUAL TO 2.5% OF HIS AVERAGE FINAL COMPENSATION FOR EACH YEAR OF THE FIRST TWENTY (20) YEARS OF SERVICE, PLUS 2% OF HIS AVERAGE FINAL COMPENSATION FOR EACH YEAR OF SERVICE THEREAFTER.

(C) THE ADDITIONAL ANNUITY PROVIDED AS A RESULT OF VOLUNTARY CONTRIBUTIONS PERMITTED UNDER SECTION ~~34~~ 36(B)(4) SHALL BE PAYABLE AND SHALL NOT BE USED IN DETERMINING THE PENSION PAYABLE UNDER SECTION ~~34(B)(3)~~ 36(B)(4) ~~OR IN DETERMINING THE DISABILITY PENSION UNDER SECTION 34(D)(2).~~

(5)[4] Provided further, however, that members and beneficiaries of members who retired before July 1, 1988, and any surviving beneficiary of a member who began receiving benefits before July 1, 1988, shall receive a 2% increase in periodic benefits as of January 1, 1992.

(i) Special Death Benefit. Upon receipt of proper proof of the death of a member in service arising out of and in the course of the actual performance of duty, without willful negligence on his part, and upon determination by the hearing examiner as provided for in Section 33(1) that such death so occurred, there shall be paid:

(3) If there be no such widow, or if the widow dies or remarries before the youngest unmarried child of said deceased member shall have either attained the age of eighteen (18) years or, in the event said child is a full-time student, until he shall have attained the age of twenty-two (22) years, then to such child or children, divided in such manner as the Board of Trustees in its discretion shall determine, to continue for the benefit of such child or children until the last child marries, dies or either attains the age of eighteen (18) years, or in the event he is a full-time student attains the age of twenty-two (22) years [; or], ~~EFFECTIVE AS OF JULY 1, 1993, IF THERE BE NO SUCH WIDOW, OR IF THE WIDOW DIES OF REMARRIES, AND ANY UNMARRIED CHILD OR CHILDREN OF THE DECEASED MEMBER SHALL HAVE BECOME PERMANENTLY DISABLED FROM ENGAGING IN ANY SUBSTANTIAL GAINFUL EMPLOYMENT PRIOR TO ATTAINING THE AGE OF EIGHTEEN (18) YEARS OR, IN THE EVENT ANY SUCH CHILD IS A FULL TIME STUDENT, BEFORE HE ATTAINED THE AGE OF TWENTY TWO (22) YEARS, THEN TO SUCH CHILD OR CHILDREN, DIVIDED IN SUCH MANNER AS THE BOARD OF TRUSTEES IN ITS DISCRETION SHALL DETERMINE, TO CONTINUE FOR THE BENEFIT OF SUCH PERMANENTLY DISABLED CHILD OR CHILDREN UNTIL THE LAST SUCH CHILD MARRIES OR DIES; PROVIDED, HOWEVER, THAT THE EXISTENCE OF MENTAL OR PHYSICAL INCAPACITY RESULTING IN PERMANENT DISABILITY SHALL BE DETERMINED BY THE BOARD OF TRUSTEES UNDER PRINCIPLES CONSISTENT WITH SUBSECTIONS 34(C) AND (G); OR (22) YEARS; OR~~

(k) Optional allowances.

(5) ~~EFFECTIVE AS OF JULY 1, 1993, AND SUBJECT TO THE PROVISIONS OF (A), (B), (C), (D), (E) AND (F) OF PARAGRAPH 3 ABOVE,~~ IN THE EVENT THAT A MEMBER WHO RETIRES AND ELECTS TO RECEIVE MAXIMUM BENEFITS WITHOUT OPTIONAL

MODIFICATION LATER DIES AND IS SURVIVED BY A SPOUSE TO WHOM THE MEMBER HAD BEEN MARRIED FOR AT LEAST ONE (1) YEAR IMMEDIATELY PRIOR TO RETIREMENT OR AT LEAST ~~THREE~~ (3) FIVE (5) YEARS PRIOR AND/OR SUBSEQUENT TO RETIREMENT, AN AMOUNT EQUAL TO 50% OF THE ALLOWANCE SAID MEMBER WAS RECEIVING SHALL BE PAID TO SUCH SURVIVING SPOUSE TO CONTINUE AS LONG AS HE OR SHE REMAINS UNMARRIED. IF THERE BE NO SUCH SPOUSE OF IF THE SPOUSE DIES OR REMARRIES BEFORE THE YOUNGEST UNMARRIED CHILD OF SAID DECEASED MEMBER SHALL HAVE EITHER ATTAINED THE AGE OF EIGHTEEN (18) YEARS, OR, IN THE EVENT SAID CHILD IS A FULL-TIME STUDENT, BEFORE HE SHALL HAVE ATTAINED THE AGE OF TWENTY-TWO (22) YEARS, THEN AN AMOUNT EQUAL TO 50% OF THE ALLOWANCE SAID MEMBER WAS RECEIVING SHALL BE PAID TO SUCH CHILD OR CHILDREN, DIVIDED IN SUCH MANNER AS THE BOARD OF TRUSTEES IN ITS DISCRETION SHALL DETERMINE TO CONTINUE FOR THE BENEFIT OF SUCH CHILD OF CHILDREN UNTIL THE LAST CHILD MARRIES, DIES OR EITHER ATTAINS THE AGE OF EIGHTEEN (18) YEARS OR IN THE EVENT HE IS A FULL-TIME STUDENT, ATTAINS THE AGE OF TWENTY-TWO (22) YEARS. ~~IF THERE BE NO SUCH WIDOW, OR IF THE WIDOW DIES OF REMARRIES, AND ANY UNMARRIED CHILD OR CHILDREN OF THE DECEASED MEMBER SHALL HAVE BECOME PERMANENTLY DISABLED FROM ENGAGING IN ANY SUBSTANTIAL GAINFUL EMPLOYMENT PRIOR TO ATTAINING THE AGE OF EIGHTEEN (18) YEARS OR, IN THE EVENT ANY SUCH CHILD IS A FULL TIME STUDENT, BEFORE HE ATTAINED THE AGE OF TWENTY TWO (22) YEARS, THEN AN AMOUNT EQUAL TO 50% OF THE ALLOWANCE SAID MEMBER WAS RECEIVING SHALL BE PAID TO SUCH CHILD OR CHILDREN, DIVIDED IN SUCH MANNER AS THE BOARD OF TRUSTEES IN ITS DISCRETION SHALL DETERMINE, TO CONTINUE FOR THE BENEFIT OF SUCH PERMANENTLY DISABLED CHILD OR CHILDREN UNTIL THE LAST SUCH CHILD MARRIES OR DIES; PROVIDED, HOWEVER, THAT THE EXISTENCE OF MENTAL OR PHYSICAL INCAPACITY RESULTING IN PERMANENT DISABILITY SHALL BE DETERMINED BY THE BOARD OF TRUSTEES UNDER PRINCIPLES CONSISTENT WITH SUBSECTIONS 34(C) AND (G) THE SURVIVING SPOUSE BENEFIT PROVIDED UNDER THIS PARAGRAPH IS EFFECTIVE AS OF JULY 1, 1993, AND IS NOT PAYABLE TO THE SURVIVING SPOUSE OF A MEMBER WHO DIED BEFORE JULY 1, 1993, WHERE SUCH SPOUSE WAS NOT PREVIOUSLY ENTITLED TO A SURVIVING SPOUSE BENEFIT.~~

(6) EFFECTIVE AS OF JULY 1, 1993, ANY BENEFICIARY RECEIVING OR THEREAFTER ELIGIBLE TO RECEIVE THE 42.5%

SURVIVOR'S BENEFIT UNDER SUBSECTION (K)(4) SHALL RECEIVE 50% OF THE MEMBER'S ALLOWANCE, IN LIEU OF THE 42.5% PREVIOUSLY PROVIDED UNDER SUBSECTION (K)(4). ANY SUCH INCREASED RATE SHALL BE EFFECTIVE BEGINNING JULY 1, 1993 OR FROM THE DATE OF ELIGIBILITY, WHICHEVER OCCURS LATER.

35. Management of funds.

(b) Interest.

ANY NET UNALLOCATED INTEREST SURPLUS AS OF JUNE 30, 1992, SHALL BE APPLIED AS OF JULY 1, 1993, AND AMORTIZED OVER TWENTY (20) YEARS TO OFFSET THE COST OF ORDINANCE NO. _____, AS IT APPLIES TO MEMBERS IN ACTIVE SERVICE ON AND AFTER JULY 1, 1993 JUNE 30, 1992.

36. Method of financing.

(h) Percent of compensation contributable.

(4) EFFECTIVE WITH THE FIRST FULL PAYROLL PERIOD COMMENCING CLOSEST TO JULY 1, 1993, AFTER THE DATE OF ENACTMENT OF ORDINANCE NO. OF 1993, EACH MEMBER WHO WOULD OTHERWISE CONTRIBUTE SEVEN PERCENT (7%) OF HIS REGULAR COMPENSATION ACCORDING TO PARAGRAPH (1) ABOVE SHALL INSTEAD CONTRIBUTE TWO PERCENT (2%) SIX PERCENT (6%) OF HIS REGULAR COMPENSATION, SUCH CONTRIBUTION TO CONTINUE THROUGHOUT SUCH MEMBER'S REMAINING PERIOD OF SERVICE.

36A. Post retirement benefit increases to certain retirees and beneficiaries.

(F) CONTINGENCY RESERVE PAID UP BENEFIT FUND TO PROVIDE INCREASE IN WIDOW'S AND CHILDREN'S BENEFIT.

NOTWITHSTANDING THE PROVISIONS OF (D) AND (E) ABOVE, THE VALUE OF THE CONTINGENCY RESERVE ACTUARIAL SURPLUS IN THE PAID UP BENEFIT FUND AS OF JUNE 30, 1992 1993 SHALL BE APPLIED EFFECTIVE AS OF JULY 1, 1993, TO THE EXTENT ACTUARIALLY NECESSARY TO PROVIDE THE INCREASE IN SURVIVING SPOUSE AND CHILDREN'S BENEFITS WITH RESPECT TO MEMBERS WHO ARE PRESENTLY RETIRED AND BENEFICIARIES OF MEMBERS WHO PREVIOUSLY RETIRED, AS REQUIRED BY

~~ORDINANCE NO. _____, EXCEPT FOR THE APPLICATION OF SUCH CONTINGENCY RESERVE PAID UP BENEFIT FUND VALUE AS OF JUNE 30, 1992-1993, THE OPERATION OF THE CONTINGENCY RESERVE PAID UP BENEFIT FUND PURSUANT TO (D) AND (E) ABOVE SHALL NOT OTHERWISE BE AFFECTED BY ORDINANCE NO. _____.~~

NOTWITHSTANDING THE PROVISIONS OF (D) AND (E) ABOVE, \$17.2 MILLION FROM THE PAID UP BENEFIT FUND SHALL BE TRANSFERRED TO THE PENSION RESERVE FUND EFFECTIVE JUNE 30, 1993. THE PURPOSE OF THE TRANSFER IS TO PARTIALLY FUND THE BENEFIT IMPROVEMENTS MADE BY THIS ORDINANCE NO. _____

OF 1993. THE TOTAL \$17.2 MILLION TRANSFER SHALL REDUCE THE SYSTEM'S UNFUNDED LIABILITY AND SHALL BE AMORTIZED WITH INTEREST AS A CREDIT TO REDUCE THE CITY'S CONTRIBUTION BY \$4.5 MILLION FOR FOUR YEARS (BEGINNING IN FISCAL YEAR 1995) AND AT A REDUCED LEVEL DOLLAR CREDIT IN THE FIFTH YEAR.

THE PROVISIONS OF (D) AND (E) ABOVE SHALL REMAIN IN EFFECT EVEN AFTER THE CHANGES DESCRIBED HERE IN (F).

SEC. 2. AND BE IT FURTHER ORDAINED, That the June 30, 1993 actuarial valuation of the Fire and Police Employees' Retirement System shall determine the effect on the annual contribution level of the elimination of the salary increase, which was negotiated with the labor organizations representing the membership of the Fire and Police Employees' Retirement System as of July 1, 1992, as approved by the Board of Estimates. The effect on the City's annual contribution level shall be used to the extent necessary to fund benefits for active members under this ordinance.

SEC. 2 AND BE IT FURTHER ORDAINED, That the City anticipates retirement savings due to the elimination of the July 1992 pay increase and the amount of the July 1993 pay increase. These savings shall be applied to reduce the growth in future City contributions to the System.

SEC. 3. AND BE IT FURTHER ORDAINED, That if any section or part of any section of this ordinance is declared to be unconstitutional, or otherwise illegal, the remainder of this ordinance shall not thereby be invalidated.

SEC. 2 4. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect as of July 1, 1993, the date of enactment, except as

otherwise specifically required herein. Any benefits payable shall be paid prospectively from the date of enactment.

Approved September 23, 1993

KURT L. SCHMOKE, Mayor

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CITY OF BALTIMORE

ORDINANCE NO. 263

(Council Bill No. 565)

AN ORDINANCE concerning

**EMPLOYEES' RETIREMENT SYSTEM
PROPOSED PLAN IMPROVEMENTS**

FOR the purpose of amending the definition of Average Final Compensation; amending the definition of Covered Compensation for Class C members; providing for full retirement benefits for Class A, B, or C members with thirty or more years of service, regardless of age and employed on or after June 29, 1993; amending the eligibility requirements for pre-employment military service credit for Class C members who are age 65 or have thirty or more years of service; increasing the retirement benefit for Class A, B, and C members and providing that the current Class C benefit formulas will not apply to members employed on or after June 29, 1993; and providing for 1% minimum and 5% maximum annual post retirement benefit increases beginning in January 1994.

BY repealing and reordaining with amendments

Article 22 - Retirement Systems

Subtitle - Employees' Retirement System

Section 1(11), 1(30), 6(a)(1)-6(a)(4), 9(d)(2), 9(e), 9(f),

17(a)-17(h) (e)

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 22 - RETIREMENT SYSTEMS

Employees' Retirement System

1. Definitions.

(11) AVERAGE FINAL COMPENSATION:

(I) FOR ANY MEMBER WHO TERMINATES EMPLOYMENT WITH THE CITY PRIOR TO JANUARY 1, 1994, EXCEPT AS NOTED IN SUBPARAGRAPHS (A) AND (B) BELOW, "Average Final Compensation" shall mean the average annual earnable compensation for any period of three (3) successive years of service during which his earnable compensation was highest; or if he had less than three (3) years of service, then the average annual earnable compensation during his total years of service. "Earnable compensation" shall mean the annual salary authorized for the member. It shall not include overtime pay, differential pay, environmental pay, hazardous duty pay, pay for conversion of leave or other fringe benefits, or any like additional payments.

Beginning with the first day of the first full pay period after July 1, 1975, the provisions of this paragraph shall apply to members who retired on or after April 19, 1974, up to and including June 30, 1975. However, no retroactive payments shall be made to members who retired before July 1, 1975.

Beginning July 1, 1975, the provisions of this paragraph shall apply to all members who retire on or after July 1, 1975.

[(11-a)] (A) For members who retired during the period beginning with July 1, 1973, up to and including April 18, 1974, the term "average final compensation" shall be the same as is provided in paragraph (11)(I); however, no retroactive payments shall be made with respect to any period prior to the first day of the first full pay period after July 1, 1975. It is further provided with respect to members who retired during the period July 1, 1973, through April 18, 1974, inclusive, or their beneficiaries, that they shall receive the adjustment required under this paragraph to the extent that it exceeds the benefit provided under Section 6(n) and Section 6(o) of this article as amended from time to time.

[(11-b)] (B) Beginning July 1, 1984, any member who retired between January 1, 1926 and April 18, 1974, or the member's

beneficiary, shall have the retirement allowance portion of the total retirement benefit recalculated on the member's average final compensation as defined in subsection (11)(I) of Section 1. The total difference between the average final compensation calculated at the time of retirement and the calculation based on average final compensation based on 3 years shall be added to the present annual allowance being received. However, no retroactive payments for any increases shall be made to eligible beneficiaries of deceased members and members retired before April 19, 1974.

(II) FOR ANY MEMBER WHO IS AN EMPLOYEE ON OR AFTER JANUARY 1, 1994, "AVERAGE FINAL COMPENSATION" SHALL MEAN THE AVERAGE OF THE MEMBER'S ANNUAL EARNABLE COMPENSATION ON JANUARY 1 FOR THREE SUCCESSIVE YEARS ~~WHILE IN OF SERVICE AND~~ WHEN THE MEMBER'S EARNABLE COMPENSATION IS THE HIGHEST. IF THE MEMBER IS IN SERVICE ON JANUARY 1 FOR LESS THAN THREE SUCCESSIVE YEARS, THEN AVERAGE FINAL COMPENSATION SHALL MEAN THE AVERAGE ANNUAL EARNABLE COMPENSATION DURING HIS TOTAL YEARS OF SERVICE. "EARNABLE COMPENSATION" SHALL MEAN THE ANNUAL SALARY AUTHORIZED FOR THE MEMBER. IT SHALL NOT INCLUDE OVERTIME PAY, DIFFERENTIAL PAY, ENVIRONMENTAL PAY, HAZARDOUS DUTY PAY, PAY FOR CONVERSION OF LEAVE OR OTHER FRINGE BENEFITS, OR ANY LIKE ADDITIONAL PAYMENTS.

(30) COVERED COMPENSATION:

[(30)] (I) FOR ANY CLASS C MEMBER WHO WAS AN EMPLOYEE ON OR AFTER JUNE 28, 1991, AND WHO TERMINATES EMPLOYMENT WITH THE CITY ON OR BEFORE JUNE 28, 1993, "Covered Compensation" shall mean for any member on any date, an annual amount determined on the basis of the Federal Social Security Act as in effect on the first day of the fiscal year during which the determination is made. Such annual amount shall equal the average of the taxable wage bases (as defined herein) in effect for each calendar year during the 35 year period ending with the calendar year which ends immediately prior to the earlier of (a) July 1 of the fiscal year in which the member terminates City employment or (b) the calendar year in which the member attains age 65. "Taxable wage base" means, with respect to any calendar year, the maximum amount of earnings which may be considered wages under Section 3121 (a)(1) of the Internal Revenue Code of 1986, as amended.

(II) FOR ANY CLASS C MEMBER WHO WAS AN EMPLOYEE ON OR AFTER JUNE 29, 1993, "COVERED COMPENSATION" SHALL MEAN FOR ANY MEMBER ON ANY DATE, AN ANNUAL AMOUNT DETERMINED ON THE BASIS OF THE FEDERAL SOCIAL SECURITY ACT AS IN EFFECT ON THE FIRST DAY OF THE FISCAL YEAR DURING WHICH THE DETERMINATION IS MADE. SUCH ANNUAL AMOUNT SHALL EQUAL THE AVERAGE OF THE TAXABLE WAGE BASES (AS DEFINED HEREIN) IN EFFECT FOR EACH CALENDAR YEAR DURING THE 35 YEAR PERIOD WHICH ENDS WITH THE CALENDAR YEAR PRIOR TO THE EARLIER OF: (A) THE JANUARY 1 WHICH IS ONE YEAR PRIOR TO JANUARY 1 OF THE CALENDAR YEAR IN WHICH THE MEMBER TERMINATES EMPLOYMENT WITH THE CITY OR (B) JANUARY 1 OF THE CALENDAR YEAR IN WHICH THE MEMBER ATTAINS AGE 65. "TAXABLE WAGE BASE" MEANS, WITH RESPECT TO ANY CALENDAR YEAR, THE MAXIMUM AMOUNT OF EARNINGS WHICH MAY BE CONSIDERED WAGES UNDER SECTION 3121(A)(1) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

6. Benefits.

(a) Service retirement benefits for any Class A or Class B member who was an employee on or after June 29, 1989. Any Class A or Class B member in service may retire upon his written application to the Board of Trustees setting forth at what time, not less than thirty (30) days nor more than ninety (90) days subsequent to the execution and filing thereof, he desires to be retired, provided that the said member at the time so specified for his retirement shall have attained the age of sixty (60) and acquired at least five (5) years of service or shall have acquired thirty (30) years of service, regardless of age, and notwithstanding that, during such period of notification, he may have separated from service.

Upon retirement from service, a Class A or Class B member who has attained the age of sixty (60), shall be entitled to receive the maximum service retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement; and

(2) (i) FOR ANY CLASS A OR B MEMBER WHO RETIRES BEFORE JUNE 30, 1993: A pension, which together with his annuity, shall be equal to one and eighty-five hundredths of one percent (1.85%) in the case of a Class A member, and one and seven tenths of one percent (1.70%) in the case of a Class B member, of his average final

compensation multiplied by the number of years of service credit. However, for members who terminate employment with the City before June 29, 1990, the preceding sentence shall be read by substituting "one and eighty-four hundredths of one percent (1.84%)" for "one and eighty-five hundredths of one percent (1.85%)", and by substituting "one and sixty-nine hundredths of one percent (1.69%)" for "one and seven tenths of one percent (1.70%)".

(ii) FOR ANY CLASS A OR B MEMBER WHO RETIRES AFTER JUNE 29, 1993; A PENSION, WHICH TOGETHER WITH HIS ANNUITY, SHALL BE EQUAL TO ONE AND EIGHT HUNDRED SEVENTY FIVE THOUSANDTHS OF ONE PERCENT (1.875%) IN THE CASE OF A CLASS A MEMBER, AND ONE AND SEVEN HUNDRED TWENTY-FIVE THOUSANDTHS OF ONE PERCENT (1.725%) IN THE CASE OF A CLASS B MEMBER, OF HIS AVERAGE FINAL COMPENSATION MULTIPLIED BY THE NUMBER OF YEARS OF SERVICE CREDIT.

(3) The additional annuity provided as a result of voluntary excess contributions permitted under Sections 8(a)(2) and 8(a)(4) shall be payable and shall not be used in determining the pension payable under Section 6(a)(2).

(4) RETIREMENT WITH THIRTY OR MORE YEARS OF SERVICE:

[[(4)] (I) Provided, however, that upon {retirement from service,} ~~TERMINATION FROM EMPLOYMENT WITH THE CITY~~ ON OR BEFORE JUNE 28, 1993, a Class A or Class B member who has not attained the age of sixty (60), but has acquired thirty (30) years or more of service, shall be entitled to receive the maximum service retirement allowance which shall consist of an annuity as provided for in Section 6(a)(1), plus the actuarial equivalent of the pension provided for in Section 6(a)(2); or such member may elect at the time of retirement to have his service retirement allowance deferred to commence upon the attainment of age sixty (60), in which event the annuity shall be the actuarial equivalent of his accumulated contributions, with regular interest accumulated thereon, to age sixty (60), and the pension payable shall be in the amount computed as provided in Section 6(a)(2).

For any member who was an employee on or after June 29, 1989, the actuarial equivalent for the purpose of this subsection (a)(4) shall be based on a reduction of seventeen hundredths of one percent (0.17%) for each full month (or fraction thereof) by which the

commencement of his pension precedes his sixtieth (60) birthday. However, for members who terminate employment with the City before June 29, 1990, the preceding sentence shall be read by substituting "twenty-one hundredths of one percent (0.21%)" for "seventeen hundredths of one percent (0.17%)".

(II) PROVIDED, HOWEVER, THAT UPON ~~TERMINATION FROM EMPLOYMENT WITH THE CITY~~ RETIREMENT FROM SERVICE ON OR AFTER JUNE 29, 1993, A CLASS A OR CLASS B MEMBER WHO HAS ACQUIRED THIRTY OR MORE YEARS OF SERVICE, REGARDLESS OF AGE, SHALL BE ENTITLED TO RECEIVE THE MAXIMUM SERVICE RETIREMENT ALLOWANCE WITHOUT REDUCTION. THE ALLOWANCE SHALL BE BASED ON THE MEMBER'S SERVICE AND AVERAGE FINAL COMPENSATION AT THE TIME OF ~~TERMINATION FROM EMPLOYMENT~~ RETIREMENT FROM SERVICE AND SHALL CONSIST OF AN ANNUITY AS PROVIDED FOR IN SECTION 6(A)(1), PLUS THE PENSION PROVIDED FOR IN SECTION 6(A)(2).

9. Class C Membership

(d) Rights of Servicemen.

(2) Notwithstanding any other provision of this subtitle, upon proper application to the Retirement System, credit for military service, as defined in Section 9(d)(1) of this subtitle, shall be granted to any Class C Member who has served in the military prior to employment with the City, provided said member has acquired at least ten (10) years of service at the Normal Retirement Date of age sixty-five (65), or has acquired thirty-five (35) years of service at age sixty-two (62), IF THE MEMBER TERMINATES EMPLOYMENT ON OR BEFORE JUNE 28, 1993, OR HAS ACQUIRED THIRTY OR MORE YEARS OF SERVICE, REGARDLESS OF AGE, IF THE MEMBER TERMINATES EMPLOYMENT ON OR AFTER JUNE 29, 1993, prior to such application. HOWEVER, FOR A MEMBER WHO TERMINATES EMPLOYMENT ON OR AFTER JUNE 29, 1993, THE PRECEDING SENTENCE SHALL BE READ BY SUBSTITUTING "AGE SIXTY-TWO (62)" FOR "AGE SIXTY-FIVE (65)".

However, a member shall not be awarded credit if he has received credit for a period of military service under another retirement system, for which retirement benefits have been or will be received by him; however, this exclusion does not apply to any such credit provided through Federal Old-Age and Survivors Insurance (Social Security), or to any benefits provided under Title 3 or Title 10, Chapter 67, Sections 1331 through 1337 of the U.S. Code. In addition, the military service

credit herein provided shall not exceed three (3) years. The City shall make all necessary contributions to the pension and annuity funds for the funding of military service credit. The Board of Trustees is hereby authorized to issue rules and regulations to carry out the provisions of this section, notwithstanding any present rules and regulations to the contrary. ~~The provisions of this section shall apply to all Class C retirees, regardless of their date of retirement, provided that at the time of retirement the retiree met the age and service requirements stated above.~~

(e) Service retirement benefits. Any Class C member in Service may retire upon his written application to the Board of Trustees setting forth at what time, not less than thirty (30) days nor more than ninety (90) days subsequent to the execution and filing thereof, he desires to be retired, provided that the said member at the time so specified for his retirement shall have complied with the applicable provisions of the retirement benefit applied for.

(1) Normal retirement for any Class C member who was an employee on or after June 29, 1989, AND WHO TERMINATES EMPLOYMENT ON OR BEFORE JUNE 28, 1993. This sub-section 9(e)(1) shall not apply to Class C members who became employees after June 27, 1991. Any Class C member, who has acquired at least five (5) years of service at the normal retirement date of age sixty-five (65), shall have a nonforfeitable right to receive a maximum pension commencing at the normal retirement date, age sixty-five (65), or an optional pension which shall be the actuarial equivalent of the maximum pension as provided in Section 9(m). In addition, any Class C member who has not attained the normal retirement date of age sixty-five (65), but who has acquired thirty (30) years of service and has attained the age of at least sixty-two (62), shall be entitled to receive a maximum pension calculated as if the member had attained his normal retirement date, age sixty-five (65). The maximum pension shall be equal to one and eighty-five hundredths of one percent (1.85%) of the member's average final compensation multiplied by his years of service (and fractions thereof) reduced by one and thirty-three hundredths of one percent (1.33%) of the member's Primary Social Security Benefit multiplied by his years of service (and fractions thereof) not to exceed thirty (30). However, for members who terminate employment with the City before June 29, 1990, the preceding sentence shall be read by substituting "one and eighty-four hundredths of one percent (1.84%)" for "one and eighty-five hundredths of one percent (1.85%)", and by substituting "one and thirty-seven hundredths of one percent (1.37%)" for "one and thirty-three hundredths of one percent (1.33%)".

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Effective June 28, 1992, the maximum pension for any Class C member who was an employee on or after June 28, 1991, and who is eligible to retire under the above paragraph shall be the greater of the retirement benefit provided in Section 9(e)(1) or Section 9(e)(4).

(2) Normal retirement for any Class C member who was an employee on or after July 1, 1987, [but not after] AND WHO TERMINATED EMPLOYMENT ON OR BEFORE June 28, 1989. Any Class C member, who has acquired at least five (5) years of service at the normal retirement date of age sixty-five (65), shall have a nonforfeitable right to receive a maximum pension commencing at the normal retirement date, age sixty-five (65), or an optional pension which shall be the actuarial equivalent of the maximum pension as provided in Section 9(m). In addition, any Class C member who has not attained the normal retirement date of age sixty-five (65), but who has acquired thirty (30) years of service and has attained the age of at least sixty-two (62), shall be entitled to receive a maximum pension calculated as if the member had attained his normal retirement date, age sixty-five (65). The maximum pension shall be equal to one and seven-tenths percent (1.70%) of the member's average final compensation multiplied by his years of service (and fractions thereof), reduced by one and five-tenths percent (1.5%) of the member's Primary Social Security Benefit multiplied by his years of service (and fractions thereof) not to exceed thirty (30).

(3) Offset to normal retirement benefit. [There shall be offset from any normal retirement benefit payable:]

THERE SHALL BE OFFSET FROM ANY NORMAL RETIREMENT BENEFIT PAYABLE [T]the full amount of any benefit or payment currently payable on or after normal retirement on account of unemployment compensation insurance under any Federal, State or City law, when the City either pays the cost of said benefit by means of the reimbursement method or the City's experience rate is affected as a result of the taxing method.

(4) Normal retirement for any Class C member who was an employee on or after June 28, 1991, AND WHO TERMINATES EMPLOYMENT ON OR BEFORE JUNE 28, 1993. Members who became employees [after June 27, 1991] ON OR AFTER JUNE 28, 1991, AND WHO TERMINATE EMPLOYMENT ON OR BEFORE JUNE 28, 1993, shall have their retirement benefit determined under this sub-section 9(e)(4) without regard to sub-section 9(e)(1). Any Class C member, who has acquired at least five (5) years of service at the normal

retirement date of age sixty-five (65), shall have a nonforfeitable right to receive a maximum pension commencing at the normal retirement date, age sixty-five (65), or an optional pension which shall be the actuarial equivalent of the maximum pension as provided in Section 9(m). In addition, any Class C member who has not attained the normal retirement date of age sixty-five (65), but acquired thirty (30) years of service and has attained the age of at least sixty-two (62), shall be entitled to receive a maximum pension calculated as if the member had attained his normal retirement date, age sixty-five (65). The maximum pension shall be equal to: (a) one and four hundred twenty-five thousandths of one percent (1.425%) of the member's average final compensation plus four hundred twenty-five thousandths of one percent (.425%) of the member's average final compensation in excess of his covered compensation, multiplied by his years of service (and fractions thereof) not in excess of thirty (30), plus (b) one and eighty-five hundredths of one percent (1.85%) of the member's average final compensation multiplied by his years of service (and fractions thereof) in excess of thirty (30). For members who retire on or after June 28, 1991, and before June 28, 1992, the preceding sentence shall read by substituting "one and forty hundredths of one percent (1.40%)" for "one and four hundred twenty-five thousandths of one percent (1.425%)" and by substituting "forty-five hundredths of one percent (.45%)" for "four hundred twenty-five thousandths of one percent (.425%)". The maximum pension benefit provided by this Section 9(e)(4) shall be taken into account when determining the benefit to which a member is entitled under Section 9(f) (early retirement), Section 9(h) (postponed retirement), Section 9(i) (ordinary disability retirement) and Section 9(l) (termination of employment). This Section 9(e)(4) is subject to the offset set forth in Section 9(e)(3) above.

Effective June 28, 1992, the maximum pension for any Class C member who was an employee on or after June 28, 1991, and who is eligible to retire under Section 9(e)(1) shall be the greater of the retirement benefit provided in Section 9(e)(1) or Section 9(e)(4).

(5) NORMAL RETIREMENT FOR ANY CLASS C MEMBER WHO WAS AN EMPLOYEE ON OR AFTER JUNE 29, 1993. NOTWITHSTANDING ANYTHING TO THE CONTRARY, ANY CLASS C MEMBER, WHO HAS ACQUIRED AT LEAST FIVE YEARS OF SERVICE AT THE NORMAL RETIREMENT DATE OF AGE SIXTY-FIVE, SHALL HAVE A NONFORFEITABLE RIGHT TO RECEIVE A MAXIMUM PENSION COMMENCING AT THE NORMAL RETIREMENT DATE, AGE SIXTY-FIVE, OR AN OPTIONAL PENSION AS PROVIDED IN SECTION 9(M), WHICH SHALL BE THE ACTUARIAL EQUIVALENT OF THE

MAXIMUM PENSION. IN ADDITION, ANY CLASS C MEMBER WHO HAS NOT ATTAINED THE NORMAL RETIREMENT AGE SIXTY-FIVE, BUT WHO HAS ACQUIRED THIRTY YEARS OR MORE OF SERVICE, REGARDLESS OF AGE, SHALL BE ENTITLED TO RECEIVE A MAXIMUM OR OPTIONAL PENSION CALCULATED AS IF THE MEMBER HAD ATTAINED HIS NORMAL RETIREMENT DATE, AGE SIXTY-FIVE. THE MAXIMUM PENSION SHALL BE EQUAL TO: (A) ONE AND FIFTY-HUNDREDTHS OF ONE PERCENT (1.50%) OF THE MEMBER'S AVERAGE FINAL COMPENSATION, PLUS THIRTY-FIVE HUNDREDTHS OF ONE PERCENT (.35%) OF THE MEMBER'S AVERAGE FINAL COMPENSATION IN EXCESS OF HIS COVERED COMPENSATION, MULTIPLIED BY HIS YEARS OF SERVICE (AND FRACTIONS THEREOF) NOT IN EXCESS OF THIRTY, PLUS (B) ONE AND EIGHTY-FIVE HUNDREDTHS OF ONE PERCENT (1.85%) OF THE MEMBER'S AVERAGE FINAL COMPENSATION MULTIPLIED BY HIS YEARS OF SERVICE (AND FRACTIONS THEREOF) IN EXCESS OF THIRTY. THE BENEFIT PROVIDED BY THIS SUBSECTION 9(E)(5) IS SUBJECT TO THE OFFSET SET FORTH IN SUBSECTION 9(E)(3) ABOVE.

(f) Early retirement.

(1) Any Class C member [who ceases to be employed by the City and] who has acquired thirty (30) years of service [,] AND WHO TERMINATES EMPLOYMENT WITH THE CITY ON OR BEFORE JUNE 28, 1993, or ANY CLASS C MEMBER who has attained age fifty-five (55) and has acquired five (5) years of service, shall have a nonforfeitable right to receive a maximum pension commencing at the normal retirement date of age sixty-five (65), calculated in accordance with the following rules:

(i) The pension shall be determined under Section 9(e) based on the member's average final compensation and years of service (and fractions thereof) as of the date he ceased being an employee.

(ii) The offset of the Primary Social Security Benefit will be calculated on the assumption that the member would have continued to receive until his normal retirement date, age sixty-five (65), compensation at the rate in effect at the time of his retirement.

(2) If such member AS DESCRIBED IN SECTION F(I) ABOVE elects to have his maximum or optional pension commence prior to normal retirement date, age sixty-five (65), the amount of said maximum or optional pension shall be permanently reduced as follows:

(i) Thirty or more years of service and employed on or after July 1, 1987:

(a) If a member who was an employee on or after July 1, 1987 but not after June 28, 1989, has at least thirty (30) years of service as of the date he ceased being an employee, the amount of his pension shall be reduced by twenty-five hundredths of one percent (0.25%) for each full month (or fraction thereof) by which the commencement of his pension precedes his normal retirement date, age sixty-five (65).

(b) If a member who was an employee on or after June 29, 1989, but not after June 27, 1991, has at least thirty (30) years of service as of the date he ceased being an employee, the amount of his pension shall be reduced by seventeen hundredths of one percent (0.17%) for each full month (or fraction thereof) by which the commencement of his pension precedes his normal retirement date, age sixty-five (65). However, for members who terminate employment with the City before June 29, 1990, the preceding sentence shall be read by substituting "twenty-one hundredths of one percent (0.21%)" for "seventeen hundredths of one percent (0.17%)".

(c) If a member who was an employee on or after June 28, 1991, AND WHO TERMINATES EMPLOYMENT ON OR BEFORE JUNE 28, 1993, has at least thirty (30) years of service as of the date he ceased being an employee, the amount of his pension shall be reduced by seventeen hundredths of one percent (0.17%) for each full month (or fraction thereof) by which the commencement of his pension precedes his sixty-second birthday. The provisions of this subparagraph 9(f)(2)(i)(c) become effective June 28, 1992.

(ii) Less than 30 years of service and employed on or after July 1, 1987:

If a member who was an employee on or after July 1, 1987, has less than thirty (30) years of service as of the date he ceased being an employee, the amount of his pension shall be reduced by one-one hundred and eightieth ($1/180$) for each of the first sixty (60) months (or fraction thereof) by which the commencement of his pension precedes his normal retirement date, and by one-three hundred and sixtieth ($1/360$) for each additional month (or fraction thereof) by which the commencement of his pension precedes his normal retirement date.

(iii) Employed prior to July 1, 1987:

A member who ceased being an employee prior to July 1, 1987, shall have his maximum or optional pension calculated according to Ordinance 1055 of 1979. If said member elects to have his maximum or optional pension commence prior to normal retirement date, age sixty-five (65), his maximum or optional pension shall be actuarially reduced based upon the unisex table approved by the Board of Trustees and known as "The Actuarial Reduction for Early Payment Class C Members Only Table, effective August 1, 1983."

[(2b)] (3) Notwithstanding anything to the contrary in this subtitle, should any member appointed for a fixed term set by law not be reappointed either voluntarily or involuntarily, after acquiring twenty (20) years of service, or should a Class C member be removed from a regular permanent position of the City without fault on his or her part after the acquisition of 20 years of service (30 years of service if removed before July 1, 1987), but has not attained the age of 65, such member shall be entitled to receive a retirement benefit based on the actual years of service credit and equal to the pension the member would receive if he or she had already attained the age of 65, the normal retirement age. The reduction contained in Section 9(f)(2) of this subtitle shall not apply. In addition, FOR ANY MEMBER WHO TERMINATES EMPLOYMENT WITH THE CITY ON OR BEFORE JUNE 28, 1993, the Primary Social Security Benefit will be calculated on the assumption that the member would have no earnings after the calendar year prior to the year of retirement under this Section 9(f)[(2b)](3), notwithstanding the provisions of Section 9(f)(1)(ii) or any other provisions of this subtitle which provides for the use of level future earnings.

Effective June 24, 1990, any pre-employment military service credit claim shall be subject to the conditions contained in Section 9(d)(2) of this subtitle, except the military service credit claim shall not be subject to the age 65 requirement contained in subsection 9(d)(2). However, any benefit for which the member could be eligible shall be determined before the military service credit provided for herein is added to the service credit acquired by the member.

Effective December 2, 1991, the provisions of the above paragraph shall apply to any member who retired under Section 9(f)[(2b)] (3). Any increased benefits due to such a retired member shall be paid prospectively from the effective date of this ordinance.

Furthermore, variable benefits, if any, paid to such a retired member shall not be changed as a result of this ordinance.

[(3)] (4) Offset to Early Retirement Benefit. [There shall be offset from any Early Retirement Benefit payable:]

[(i)] THERE SHALL BE OFFSET FROM ANY EARLY RETIREMENT BENEFIT PAYABLE [T]the full amount of any benefit or payment currently payable on or after Early Retirement on account of unemployment compensation insurance under any Federal, State or City law, when the City either pays the cost of said benefit by means of the reimbursement method or the City's experience rate is affected as a result of the taxing method.

17. Post retirement benefit increases to certain retirees and beneficiaries.

Each retired member or beneficiary (Classes A, B, and C) who is receiving periodic benefits pursuant to the provisions of the Retirement System may be eligible for an increase in the amount of such periodic benefits subject to the following provisions.

(a) Eligibility. Each member who has retired from active service, whether before or after the effective date of this ordinance, and each beneficiary of a deceased member who is or will be receiving periodic retirement benefits, whether before or after the effective date of this ordinance, and who receives periodic benefit payments for two (2) or more years may be eligible for an increase in such periodic benefit determined according to this Section 17. Such two year period shall be calculated commencing with the effective date of the first retirement benefit payment paid to either the retired member or the beneficiary of a deceased member and shall be determined on June 30 of each year commencing with June 30, 1983. Years retired as a beneficiary of a former retired member shall include the years that the member was retired. Eligible members and beneficiaries are also referred to herein as "persons".

(b) Amount of benefit increase. As of the end of each Fiscal Year, a determination shall be made of the amount of increase (if any) of retirement benefit payments which may be payable to eligible persons. The amount of retirement benefit increase shall be calculated with reference to excess investment earnings of the Annuity Reserve Fund and the Pension Reserve Fund only, and according to the method described in (c) below.

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After determination of the amount of excess investment earnings available for retirement benefit increases, such excess investment earnings shall be allocated to eligible retired members and beneficiaries according to the following method. The percentage which the benefits shall be increased shall be determined by the actuary as the amount that the investment earnings determined in (c) below would be sufficient to fund on a single premium paid up annuity basis using the actuarial valuation assumptions on the June 30th preceding the effective date of the increase.

(i) Effective as of January 1, 1984, an increase may be payable to each retiree or beneficiary eligible pursuant to subsection (a) of this section as of June 30, 1983.

(ii) Until the benefit increase objectives set forth in (iii) below have been met, the allocation to eligible persons shall be made with reference to the number of full continuous years that each person has been receiving retirement benefits from this plan and the amount of each person's benefit being paid as of June 30, 1983. A percentage factor will be determined by the actuary to increase benefits to those eligible. The percent increase in an eligible member's or beneficiary's benefit will equal the percentage factor times full years which the member or beneficiary has been receiving benefits. No fractional years will be used.

(iii) The allocation method set forth in (ii) above shall apply only until the following benefit increase objectives have been met:

Date benefit payments began	Percent increase	Date benefit payments began	Percent increase
7/1/80-6/30/81	1.0%	7/1/70-6/30/71	11.0%
7/1/79-6/30/80	2.0%	7/1/69-6/30/70	12.0%
7/1/78-6/30/79	3.0%	7/1/68-6/30/69	13.0%
7/1/77-6/30/78	4.0%	7/1/67-6/30/68	14.0%
7/1/76-6/30/77	5.0%	7/1/66-6/30/67	15.0%
7/1/75-6/30/76	6.0%	7/1/65-6/30/66	16.0%
7/1/74-6/30/75	7.0%	7/1/64-6/30/65	17.0%
7/1/73-6/30/74	8.0%	7/1/63-6/30/64	18.0%
7/1/72-6/30/73	9.0%	7/1/62-6/30/63	19.0%
7/1/71-6/30/72	10.0%	before 7/1/62	20.0%

After the above objectives have been met, the allocation of new excess investment earnings shall be made without reference to the number of years any member or beneficiary has been receiving benefits.

The allocation to eligible persons shall then be made by the actuary on an equal percentage basis.

(iv) For each June 30th after June 30, 1983, the determination of the amount of excess investment earnings and allocation of such earnings to eligible persons shall be calculated using the appropriate method outlined in (ii) or (iii) above with the amount of distribution and the allocation of such amount being calculated as of the end of the Fiscal Year, with any increase to commence effective as of the following January 1.

The benefit increase payable pursuant to this section shall be payable in the same form as the basic benefit being received by the eligible person.

(c) Amount of investment income to be used to increase benefits.

(1) Notwithstanding, Section 7 as it applies to excess earnings, the amount of excess investment earnings available as of each June 30 (PRIOR TO JUNE 30, 1993) for an increase in benefits will be equal to the product of (i), (ii) and (iii) below. Each item below except for item (ii) under this subsection (c) is determined as of each June 30th beginning with June 30, 1983, and any benefit increase shall become effective as of the following January 1. Item (ii) below is determined as of the June 30th that is eighteen (18) months prior to the effective date of the benefit increase, beginning with June 30, 1982.

(i) The dollar amount of net excess investment earnings determined on the following basis:

Before the Reserve for Book Value is paid off, net excess investment earnings shall be that portion of total fund earnings between 8% and 10 1/2% of average market value, plus one-half of the fund earnings in excess of 10 1/2%;

After the Reserve for Book Value is paid off, net excess investment earnings shall be that portion of total fund earnings between 7 1/2% and 10% of average market value, plus one-half of fund earnings in excess of 10%.

For purposes of the above calculations, earnings shall be net of [investment] expenses and include realized and unrealized gains and losses and all other sources of investment gains and losses as shown in the actuary's report SUBMITTED PURSUANT TO SECTION 5(P). The

investment return used in this section shall be based on the annual return as of each June 30, commencing with the year ending June 30, 1983. The average market value for the year shall equal one-half of the market value of the four funds as of the beginning of the year plus one-half of the market value of the funds as of the end of the year minus one-half of the earnings during the year. The earnings and market values of the funds for the purpose of this section are assumed to be equal to the values contained in the actuary's report. ~~Any later audit changes shall be ignored.~~

(ii) The ratio of the sum of the Annuity Reserve Fund plus the Pension Reserve Fund to the sum of all four funds: Annuity Savings Fund, Annuity Reserve Fund, Pension Accumulation Fund, and the Pension Reserve Fund.

(iii) $\frac{3}{4}$ on June 30, 1983 for the initial increase (if any) and $\frac{3}{4}$ for each subsequent year until a Contingency Reserve Fund has been accumulated according to the following method. The remaining $\frac{1}{4}$ of excess investment earnings as of June 30, 1983, and each June 30 thereafter shall be set aside as a Contingency Reserve Fund until the value of such fund is at least equal to $2\frac{1}{2}\%$ of the Annuity Reserve Fund and the Pension Reserve Fund as of the end of the most recent June 30. The Contingency Reserve Fund shall serve as a reserve to insure payment of previously accrued benefit increases for any year in which the Paid Up Benefit Fund does not meet its interest assumption. While the Board of Trustees may fund increases through the establishment of a Paid Up Benefit Fund, it shall also have the option of funding any increases through the purchase of annuity contracts from one or more insurance companies. For each year when the Contingency Reserve Fund is not less than $2\frac{1}{2}\%$ of the Annuity Reserve Fund and the Pension Reserve Fund, the $\frac{3}{4}$ fraction shall not apply and the amount available to increase benefits shall be the product of (i) and (ii).

(2) NOTWITHSTANDING SECTION 7 AS IT APPLIES TO EXCESS EARNINGS, THE AMOUNT OF EXCESS INVESTMENT EARNINGS AVAILABLE AS OF EACH JUNE 30 (ON OR AFTER JUNE 30, 1993) FOR AN INCREASE IN BENEFITS WILL BE EQUAL TO THE PRODUCT OF ~~(I) AND (II) BELOW, PLUS (III), PLUS (IV), LESS (V), LESS (VI) PLUS (V) PLUS (VI) ((I X (II)) + (III) + (IV) - (V) - (VI) PLUS (V) PLUS (VI)). (I), (II), AND (III), PLUS, (IV) AND (V) BELOW. THE INCREASE PROVIDED BY THE EXCESS EARNINGS CALCULATED HEREIN SHALL BE A MINIMUM OF 1% AND A MAXIMUM OF 5% IN ANY ONE YEAR.~~

EACH ITEM BELOW EXCEPT FOR ITEM (II) UNDER THIS SUBSECTION (C)(2) IS DETERMINED AS OF EACH JUNE 30 BEGINNING WITH JUNE 30, 1993, AND ANY BENEFIT INCREASE SHALL BECOME EFFECTIVE AS OF THE FOLLOWING JANUARY 1. ITEM (II) BELOW IS DETERMINED AS OF THE JUNE 30 THAT IS EIGHTEEN MONTHS PRIOR TO THE EFFECTIVE DATE OF THE BENEFIT INCREASE.

(I) THE DOLLAR AMOUNT OF NET EXCESS INVESTMENT EARNINGS DETERMINED ON THE FOLLOWING BASIS:

NET EXCESS INVESTMENT EARNINGS SHALL BE THAT PORTION OF TOTAL FUND EARNINGS BETWEEN 7 1/2% AND 10% OF AVERAGE MARKET VALUE, PLUS ONE-HALF OF FUND EARNINGS IN EXCESS OF 10%.

FOR PURPOSES OF THE ABOVE CALCULATIONS, EARNINGS SHALL BE NET OF EXPENSES AND INCLUDE REALIZED AND UNREALIZED GAINS AND LOSSES AND ALL OTHER SOURCES OF INVESTMENT GAINS AND LOSSES AS SHOWN IN THE ACTUARY'S REPORT. THE INVESTMENT RETURN USED IN THIS SECTION SHALL BE BASED ON THE ANNUAL RETURN OF EACH JUNE 30. THE AVERAGE MARKET VALUE FOR EACH YEAR SHALL EQUAL ONE-HALF OF THE MARKET VALUE OF THE ANNUITY SAVINGS FUND, THE ANNUITY RESERVE FUND, THE PENSION ACCUMULATION FUND, AND THE PENSION RESERVE FUND AS OF THE BEGINNING OF THE YEAR PLUS ONE-HALF OF THE MARKET VALUE OF THESE FUNDS AS OF THE END OF THE YEAR MINUS ONE-HALF OF THE EARNINGS DURING THE YEAR. THE EARNINGS AND MARKET VALUES OF THESE FUNDS FOR THE PURPOSE OF THIS SECTION ARE ASSUMED TO BE EQUAL TO THE VALUES CONTAINED IN THE ACTUARY'S REPORT. ~~ANY LATER AUDIT CHANGES SHALL BE IGNORED.~~

(II) THE RATIO OF THE SUM OF THE ANNUITY RESERVE FUND PLUS THE PENSION RESERVE FUND TO THE SUM OF THE FOLLOWING FOUR FUNDS: ANNUITY SAVINGS FUND, ANNUITY RESERVE FUND, PENSION ACCUMULATION FUND, AND THE PENSION RESERVE FUND.

~~(III) AN ADDITIONAL ANNUAL AMOUNT OF ONE-TWENTIETH OF THE ASSETS IN THE CONTINGENCY RESERVE FUND. THIS AMOUNT WILL BE TRANSFERRED FROM THE CONTINGENCY~~

~~RESERVE FUND TO THE PAID UP BENEFIT FUND IN THE MONTH OF THE BENEFIT INCREASE.~~

(III) 3/4 ON JUNE 30, 1993 AND 3/4 FOR EACH SUBSEQUENT YEAR UNTIL A CONTINGENCY RESERVE FUND HAS BEEN ACCUMULATED ACCORDING TO THE FOLLOWING METHOD. THE REMAINING 1/4 OF EXCESS INVESTMENT EARNINGS AS OF JUNE 30, 1993, AND EACH JUNE 30 THEREAFTER SHALL BE SET ASIDE AS A CONTINGENCY RESERVE FUND UNTIL THE VALUE OF SUCH FUND IS AT LEAST EQUAL TO 2 1/2% OF THE ANNUITY RESERVE FUND AND THE PENSION RESERVE FUND AS OF THE END OF THE MOST RECENT JUNE 30. THE CONTINGENCY RESERVE FUND SHALL SERVE AS A RESERVE TO INSURE PAYMENT OF PREVIOUSLY ACCRUED BENEFIT INCREASES FOR ANY YEAR IN WHICH THE PAID UP BENEFIT FUND DOES NOT MEET ITS INTEREST ASSUMPTION. WHILE THE BOARD OF TRUSTEES MAY FUND INCREASES THROUGH THE ESTABLISHMENT OF A PAID UP BENEFIT FUND, IT SHALL ALSO HAVE THE OPTION OF FUNDING ANY INCREASES THROUGH THE PURCHASE OF ANNUITY CONTRACTS FROM ONE OR MORE INSURANCE COMPANIES. FOR EACH YEAR WHEN THE CONTINGENCY RESERVE FUND IS NOT LESS THAN 2 1/2% OF THE ANNUITY RESERVE FUND AND THE PENSION RESERVE FUND, THE 3/4 FRACTION SHALL NOT APPLY.

(IV) ANY ADDITIONAL AMOUNT OF FUNDS NEEDED (ABOVE THOSE PROVIDED BY PARAGRAPHS (I) TIMES (II) PLUS TIMES (III)) TO PROVIDE A MINIMUM BENEFIT INCREASE OF 1%. THIS AMOUNT WILL BE TRANSFERRED FROM THE CONTINGENCY RESERVE FUND TO THE PAID UP BENEFIT FUND IN THE MONTH OF THE BENEFIT INCREASE.

~~(V) ANY PRIOR DEFICIT NOT YET RECOVERED DUE TO PROVIDING THE 1% MINIMUM INCREASE IN A PRIOR CALCULATION UNDER PARAGRAPH (IV). THIS RECOVERY WILL BE DELAYED TO THE EXTENT THAT IT WOULD RESULT IN A CURRENT INCREASE OF LESS THAN 1%.~~

~~(V)~~ (V) ANY NET FUNDS PROVIDED UNDER PARAGRAPHS (I) TO (IV) ABOVE THAT WOULD RESULT IN A VARIABLE BENEFIT INCREASE GREATER THAN 5%. SUCH EXCESS FUNDS SHALL BE USED TO PROVIDE AN INCREASE IN THE FOLLOWING YEAR YEARS WHICH SHALL BE IN ADDITION TO THE NORMAL VARIABLE BENEFIT INCREASE PROVIDED THE COMBINED INCREASE DOES NOT EXCEED THE 5% LIMIT ON INCREASES. CARRIED OVER

EXCESS FUNDS SHALL NOT BE USED TO PROVIDE THE 1% MINIMUM BENEFIT OR TO OFFSET ANY PRIOR DEFICIT IN PARAGRAPH (A) (IV).

(d) Paid Up Benefit Fund and Contingency Reserve Fund.

(i) The existence of a Paid Up Benefit Fund and a Contingency Reserve Fund is hereby specifically authorized, Section 8 to the contrary notwithstanding.

(ii) The Paid Up Benefit Fund shall be the primary fund from which shall be paid all benefit increases provided under this section. The Paid Up Benefit Fund shall be funded with excess investment earnings consistent with (c) above. For any year in which the investment return of the Paid Up Benefit Fund exceeds the interest assumption on which the purchase of paid up benefits is based, such excess shall remain in the fund and thereby help insure payment of previously accrued benefit increases.

(iii) PRIOR TO JUNE 30, 1993, [T]The Contingency Reserve Fund shall be a reserve to insure payment of previously accrued benefit increases for any year in which the Paid Up Benefit Fund does not meet its interest assumption. Should there be a deficit in the Paid Up Benefit Fund, the Board of Trustees shall transfer assets from the Contingency Reserve Fund to the Paid Up Benefit Fund in order to offset such deficit. The Contingency Reserve Fund shall be funded with excess investment earnings consistent with (c) above. For any year in which the value of the Contingency Reserve Fund is equal to or exceeds 2 1/2% of the Annuity Reserve Fund and the Pension Reserve Fund, earnings on the Contingency Reserve Fund shall be applied by the Board of Trustees in such amount or amounts as they determine (1) to decrease the amount contributed by the City of Baltimore and/or (2) to decrease the period over which the unfunded accrued liability will be amortized.

~~(IV) ON AND AFTER JUNE 30, 1993, THE PURPOSE OF THE CONTINGENCY RESERVE FUND SHALL CHANGE. NO ADDITIONAL ASSETS (OTHER THAN EARNINGS ON THIS FUND) SHALL BE TRANSFERRED INTO THIS FUND. IN JANUARY OF EACH YEAR (BEGINNING WITH JANUARY 1994) ONE TWENTIETH OF THE CONTINGENCY RESERVE FUND BALANCE SHALL BE TRANSFERRED TO THE PAID UP BENEFIT FUND AS REQUIRED UNDER PARAGRAPH (C)(2)(III) ABOVE AND AN EQUAL AMOUNT SHALL BE TRANSFERRED TO THE PENSION ACCUMULATION FUND. THE ASSETS TRANSFERRED TO THE PENSION ACCUMULATION FUND SHALL BE~~

~~USED TO REDUCE THE CITY'S REQUIRED CONTRIBUTION
CONTRIBUTIONS TO THE SYSTEM.~~

(IV) ON AND AFTER JUNE 30, 1993, THE CONTINGENCY RESERVE FUND SHALL BE A RESERVE TO INSURE PAYMENT OF PREVIOUSLY ACCRUED BENEFIT INCREASES FOR ANY YEAR IN WHICH THE PAID UP BENEFIT FUND DOES NOT MEET ITS INTEREST ASSUMPTION. IN ADDITION, THE CONTINGENCY RESERVE FUND SHALL BE USED TO PROVIDE THE MINIMUM 1% BENEFIT CONSISTENT WITH PARAGRAPH 17(C) ABOVE. SHOULD THERE BE A DEFICIT IN THE PAID UP BENEFIT FUND, THE BOARD OF TRUSTEES SHALL TRANSFER ASSETS FROM THE CONTINGENCY RESERVE FUND TO THE PAID UP BENEFIT FUND IN ORDER TO OFFSET SUCH DEFICIT. THE CONTINGENCY RESERVE FUND SHALL BE FUNDED WITH EXCESS INVESTMENT EARNINGS CONSISTENT WITH (C) ABOVE.

[(iv)] (V) The Board shall have the duty and responsibility of periodically determining investment policies for the Paid Up Benefit Fund and the Contingency Reserve Fund, and such policies shall be consistent with the limitations set forth in this section.

[(v)] (VI) The Board shall segregate or invest separately the Paid Up Benefit Fund and the Contingency Reserve Fund. Furthermore, while the Board is empowered to invest and reinvest such funds in any class of investment set forth at Section 7, the Board is specifically empowered to invest and reinvest the Paid Up Benefit Fund and/or the Contingency Reserve Fund in the medium of paid up annuity contracts or guaranteed investment contracts purchased from one or more insurance companies, provided that any such insurance company shall have no less than the highest rating from A.M. Best Company or a comparable company. [If, in the purchase of such an annuity contract, the single premium paid up annuity cost offered by such insurance company results in a cost savings to the retirement system, the amount of such cost savings shall be applied by the Board in such amounts as they determine (1) to decrease the amount contributed by the City, and/or (2) to decrease the period over which the unfunded accrued liability will be amortized.]

(e) Benefit increases to be paid only from Paid Up Benefit Fund and Contingency Reserve Fund.

(i) Any benefit increase provided under this section shall be funded on a single premium paid up annuity basis. The words "Single

Premium paid up annuity basis" shall have the common actuarial meaning of spreading the amount available to provide a benefit over the lifetime of an individual in the form of an annuity. It is intended that any such benefit increase shall continue for the lifetime of the eligible member and any beneficiary, consistent with any option elected under Section 6 or 9. {The foregoing Contingency Reserve Fund has been established to insure payment of previously accrued benefit increases for any year in which the Paid Up Benefit Fund does not meet its interest assumption.}

~~(II) EFFECTIVE JUNE 30, 1993, SUFFICIENT ASSETS SHALL BE TRANSFERRED FROM THE PENSION ACCUMULATION FUND TO THE PAID UP BENEFIT FUND ON AN ANNUAL BASIS TO ALLOW THE PAID UP BENEFIT FUND VALUE TO AT LEAST EQUAL THE PRESENT VALUE OF ALL PAST AND CURRENT VARIABLE BENEFIT INCREASES. NOTWITHSTANDING THE PRECEDING SENTENCE, IN NO EVENT SHALL THE AMOUNT OF TRANSFER FROM THE PENSION ACCUMULATION FUND TO THE PAID UP BENEFIT FUND BE LESS THAN THE ASSETS DETERMINED BY PARAGRAPHS (C)(2)(I) TIMES (C)(2)(II) PLUS (C)(2)(IV). NO ASSETS ARE TO BE TRANSFERRED FROM THE PAID UP BENEFIT FUND TO THE PENSION ACCUMULATION FUND.~~

{(ii)} ~~(III)~~ PRIOR TO JUNE 30, 1993, [T]he granting of any benefit increase under this section is contingent on the performance of the Retirement System's investment funds. ON AND AFTER JUNE 30, 1993, THE GRANTING OF ANY BENEFIT INCREASE UNDER THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO THE 1% MINIMUM BENEFIT PROVIDED FOR IN PARAGRAPH 17(C). The continuation of any benefit increase previously accrued under this section is specifically made contingent on the ability of the Paid Up Benefit Fund and the Contingency Reserve Fund to provide such benefits in the future. Section 10 and Section 42 to the contrary notwithstanding, any benefit increase provided under this section shall not become an obligation of the City of Baltimore. In the event of any conflict between Section 10 and/or Section 42 and this section, the terms of this section shall prevail.

{(iii)} ~~(IV)~~ PRIOR TO JUNE 30, 1993, [I]f the performance of the Retirement System's investment funds causes a decline in the value of the Paid Up Benefit Fund and the Contingency Reserve Fund, with the result that full benefit increases previously accrued under this section cannot be continued, then the Trustees can reduce or eliminate previously accrued increases on an equal percentage basis, effective as

of January 1 following the June 30 on which a deficit exists. An equal percentage reduction shall be made to all benefits granted under this section regardless of when such increases were granted. If the Paid Up Benefit Fund and the Contingency Reserve Fund should become exhausted or decline in value to the point of having no value, previously accrued increases shall be eliminated in full. Any excess investment earnings available under (c) above in a subsequent year shall be used to provide an increase in benefits without regard to any prior reduction or elimination of benefit increases previously accrued.

~~(V) EFFECTIVE JUNE 30, 1993, THE ABOVE PARAGRAPHS (III) AND (IV) SHALL NO LONGER APPLY. HOWEVER, THE GRANTING OF ANY FUTURE BENEFIT INCREASE UNDER THIS SECTION, OTHER THAN THE 1% MINIMUM, WILL SOLELY BE CONTINGENT ON THE PERFORMANCE OF THE FUNDS AND REMAINING ASSETS IN THE CONTINGENCY RESERVE FUND. THE PROVISIONS OF SECTIONS 10 AND 42 SHALL APPLY TO THIS SECTION INCLUDING PRIOR INCREASES.~~

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment and any benefits payable shall be paid prospectively from the date of enactment.

Approved September 23, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 264

(Council Bill No. 629)

AN ORDINANCE concerning

CITY PROPERTY - SALE

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell either at public or private sale all the interest of the Mayor and City Council of Baltimore in and to a certain parcel of land and improvements located at 1809 Ashland Avenue and 822, 824, 825 and 827 N. Durham Street, Baltimore, Maryland, said parcel of land and improvements being no longer needed for public use.

BY authority

Article V - Comptroller

Section 5(b)

Baltimore City Charter (1983 Revision, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Comptroller of Baltimore City be and she is hereby authorized to sell at either public or private sale in accordance with Article V, Section 5(b) of the City Charter (1964 Revision, as amended) all of the interest of the Mayor and City Council of Baltimore in and to that parcel of land and improvements situate in Baltimore, Maryland, and described as follows:

1809 Ashland Avenue and
825 and 827 N. Durham Street
(Ward 7, Section 6, Block 1602, Lots 41, 78 & 79)
a 6,117± square foot parcel of land improved with
a two story former police station
and
822 and 824 North Durham Street
(Ward 7, Section 6, Block 1602, Lots 80 and 81)

Said property being no longer needed for public use.

SEC. 2. BE IT FURTHER ORDAINED, That no deed or deeds shall pass in accordance herewith until the same shall have been first approved by the City Solicitor.

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved October 19, 1993

KURT L. SCHMOKE, MAYOR

CITY OF BALTIMORE

ORDINANCE NO. 265

(Council Bill No. 641)

AN ORDINANCE concerning

SOUTH AFRICA - PURCHASES AND INVESTMENTS

FOR the purpose of repealing provisions of Article 1 of the Baltimore City Code prohibiting purchases from South Africa; and repealing provisions of Article 22 of the Baltimore City Code prohibiting Retirement Systems' investment in firms doing business in or with South Africa.

BY repealing

Article 1 - Mayor, City Council, and Municipal Agencies

Subtitle - Purchases from South Africa

Section 239

Baltimore City Code (1983 Replacement Volume, as amended)

BY repealing

Article 22 - Retirement Systems

Subtitle - Employees' Retirement System

Section 7(a)(1)

Baltimore City Code (1983 Replacement Volume, as amended)

BY repealing

Article 22 - Retirement Systems

Subtitle - Elected Officials' Retirement System

Section 23(b)

Baltimore City Code (1983 Replacement Volume, as amended)

BY repealing

Article 22 - Retirement Systems

Subtitle - Fire and Police Employees

Section 35(a)(1)

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 1 - MAYOR, CITY COUNCIL, AND MUNICIPAL AGENCIES

[Purchases from South Africa

239. Purchases.

The City's Purchasing Agent shall use best efforts not to procure finished supplies or material components of finished supplies produced in South Africa, and shall develop regulations to be approved by the Board of Estimates to implement that purpose.]

ARTICLE 22 - RETIREMENT SYSTEMS

Employees' Retirement System

7. Management of funds.

(a)[(1)(i) On the first day of the third quarter of fiscal year 1987, no monies or funds held under any provision of the retirement system shall remain invested or hereinafter be invested in the stocks, securities or other obligations of any bank or financial institution which makes loans to the Republic of South Africa, or to a national corporation of the Republic of South Africa, or in the stocks, securities, or other obligations of any company doing business in or with the Republic of South Africa, or whose subsidiary or affiliate does business in or with the Republic of South Africa.

(ii) Business entities doing business in or with the Republic of South Africa shall be identified by reference to the most recent annual report of the African Fund entitled "Unified List of United States Companies with Investments or Loans in South Africa".]

Elected Officials' Retirement System

23. Management of funds.

[(b) The provisions of Section 7(a)(13) of this Article 22, concerning the divestment of funds in firms doing business in or with South Africa, shall apply to the several funds of the Elected Officials' Retirement System of Baltimore.]

Fire and Police Employees

35. Management of funds.

(a)[(1)(i) On the first day of the third quarter of fiscal year 1987, no monies or funds held under any provisions of the retirement system shall remain invested or hereinafter be invested in the Stocks, securities or other obligations of any bank or financial institution which makes loans to the Republic of South Africa, or to a national corporation of the Republic of South Africa, or in the stocks, securities, or other obligations of any company doing business in or with the Republic of South Africa, or whose subsidiary or affiliate does business in or with the Republic of South Africa.

(ii) Business entities doing business in or with the Republic of South Africa shall be identified by reference to the most recent annual report of the African Fund entitled "Unified List of United States Companies with Investments or Loans in South Africa and Namibia."]

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on ~~the 30th day after~~ the date of its enactment.

Approved October 21, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 266

(Council Bill No. 429)

AN ORDINANCE concerning

ZONING - PLANNED UNIT DEVELOPMENT -
CYLBURN HILLS

FOR the purpose of approving the application of Cylburn Hills Limited Partnership, purchaser of the property known as Lot 2, Coldspring, which property is bounded generally by Cylburn Park to the north and east, Greenspring Avenue to the west and Springarden Drive to the south, consisting of approximately 18.7 acres, more or less, as outlined on the accompanying Exhibit A, "Context Plan", dated December 3, 1992, Exhibit B, "Existing Condition Plan" dated December 3, 1992 and Exhibit C "Preliminary Plan" dated December 3, 1992, and revised September 15, 1993, to designate Cylburn Hills as a Planned Unit Development in accordance with Sections 12.0-1 through 12.0-6 of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended), and to approve the Development Plan for Cylburn Hills submitted by Cylburn Hills Limited Partnership.

BY authority of

Article 30 - Zoning

Sections 12.0-1 through 12.0-6

Baltimore City Code (1983 Replacement Volume, as amended)

WHEREAS, Cylburn Hills Limited Partnership is the Contract Purchaser of the property bounded generally by Cylburn Park to the north and east, Greenspring Avenue to the west and Springarden Drive to the south, consisting of approximately 18.7 acres, more or less; and

WHEREAS, On November 25, 1992, representatives of Cylburn Hills Limited Partnership met with the duly designated officers of the Planning Commission of Baltimore City to hold a Pre-Petition Conference to explain the scope and nature of the existing and proposed development on the property in order to institute proceedings to have the property designated a Planned Unit Development; and

WHEREAS, Together herewith, Cylburn Hills Limited Partnership has formally applied to the City Council of Baltimore for designation for the property as a Planned Unit Development and has submitted the requisite Development Plan intended to satisfy requirements specified in Section 12.0-1 through 12.0-6 of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended); and

WHEREAS, The Development Plan provided for herein will entail making further amendments to the Coldspring Neighborhood Development Program Urban Renewal Plan enacted by Ordinance No. 242, approved January 8, 1973, as amended, in particular as it relates to the Cylburn Park Buffer Zone depicted on Exhibit ND401-5 to the Renewal Plan which will be reconfigured to correspond to the Development Plan approved herein; and

WHEREAS, Cylburn Hills Limited Partnership, in requesting the introduction of this bill, signifies its intention to implement, execute, substantially complete and maintain the development of the property in accordance with the Development Plan; now, therefore

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the application of Cylburn Hills Limited Partnership, Contract Purchaser of the property known as Lot 2 Coldspring, which property is bounded generally by Cylburn Park to the north and east, Greenspring Avenue to the west and Springarden Drive to the south, consisting of approximately 18.7 acres, more or less, as outlined on the accompanying Exhibit A, "Context Plan", dated December 3, 1992, Exhibit B "Existing Condition Plan" dated December 3, 1992 and Exhibit C "Preliminary Site Plan" dated December 3, 1992, revised September 15, 1993, to designate the Cylburn Hills Property as a Planned Development in accordance with Sections 12.0-1 through

12.0-6 of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended), be and is hereby approved.

~~SEC. 2. AND BE IT FURTHER ORDAINED, That the Development Plan submitted by Cylburn Hills Limited Partnership, which Development Plan consists of a Development Plan Booklet entitled "Development Plan for Cylburn Hills Baltimore Maryland", dated December 3, 1992 (together with accompanying Exhibit A, "Existing Conditions", dated December 3, 1992, Exhibit B "Proposed Development", dated December 3, 1992, Exhibit C, "Site Model Photograph", dated December 3, 1992, Exhibit D, "Building Cross Sections", dated December 3, 1992, and Exhibit E, "Building Elevations", dated December 3, 1992, as attached to and made a part of this ordinance, be and is hereby approved.~~

SEC. 32. AND BE IT FURTHER ORDAINED, That subsequent to the passage of this ordinance by the City Council, all changes; minor modifications in the approved Development Plan for Cylburn Hills shall be reviewed and approved by the Planning Commission for insurance that such changes are consistent with this ordinance. Final design approval by the Planning Commission is required for elevations, landscaping, and site details.

SEC. 43. AND BE IT FURTHER ORDAINED, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the Development Plan that is a part hereof and in order to give notice to the departments that administer Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended), the President of City Council shall sign the Development Plan, and when the Mayor approves this ordinance, he shall sign the Development Plan. The Director of Finance shall then transmit a copy of this ordinance and the Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator of Baltimore City.

SEC. 4. AND BE IT FURTHER ORDAINED, That the Development Plan for Cylburn Hills shall comply with the following:

(a) The construction of a floppy top 6 foot high black vinyl-coated chain link fence with a bottom rail shall be installed before the start of construction on the property along the entire property line separating Cylburn Arboretum from property to be developed under this ordinance. This fence shall have no gates and it shall be maintained by

the developer until the completion of construction and then maintained by the Home Owners Association after completion of the project and all units are sold. The fence required to be constructed under this paragraph shall be constructed and maintained under the provisions of Baltimore City Building Code and height restrictions contained therein are hereby waived in so far as they conflict with this paragraph.

(b) A sidewalk shall be constructed along the East side of Green Spring Avenue between Springarden Drive and the Cylburn Arboretum entrance. The sidewalk shall be constructed and maintained by the Mayor and City Council of Baltimore.

(c) An observation tower shall not be constructed within the boundaries of the subject property.

(d) The Final Forest Conservation Plan for the development shall comply with the City of Baltimore Reforestation Law Forest and Tree Conservation - Article 9A Baltimore City Code (1983 Replacement Volume, as amended) adopted pursuant to State law. The Homeowner's Association shall be responsible for the maintenance of all forest, understory, and landscaping in all common areas.

(e) Exterior lighting on any public right of way or for any individual property shall be shielded and directed downward to avoid, as reasonably as possible, the illumination of the adjoining Cylburn Arboretum.

(f) The Home Owners Association shall be responsible for or coordination of the application of pesticides and herbicides throughout the development. The developer shall include the provisions of this paragraph in the master deed for the property or the Home Owners Association rules as a covenant running with the land. Pesticides shall be applied in accordance with accepted principles of integrated pest management.

SEC. 5. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved October 27, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 267

(Council Bill No. 467)

AN ORDINANCE concerning

CITY PROPERTY SALE - NORTHERN PARKWAY

FOR the purpose of authorizing the Mayor and City Council of of Baltimore to sell, at either public or private sale, all of the interest of the Mayor and City Council of Baltimore in and to a certain parcel of land known as a portion of Northern Parkway in the vicinity of Everall Avenue, said parcel of land and improvements being no longer needed for public use.

BY authority of
Article V - Comptroller
Section 5(b)
Baltimore City Charter (1964 Revision, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Comptroller of Baltimore City be and she is hereby authorized to sell, at either public or private sale in accordance with Article V, Section 5(b) of the City Charter (1964 Revision, as amended), all of the interest of the Mayor and City Council of Baltimore in and to a certain parcel of land known as a portion of Northern Parkway in the vicinity of Everall Avenue in the City of Baltimore and described as follows:

Beginning for the same at the point formed by the intersection of the north side of Northern Parkway, as opened in accordance with Ordinance No. 439, approved July 13, 1925 and the east side of Everall Avenue, 40 feet wide, and running thence binding on the east side of said Everall Avenue, Northerly 22 feet, more or less, to intersect the centerline of the former bed of Northern Parkway, formerly known as Maple Avenue, as condemned and closed in accordance with Ordinance No. 227, approved February 10, 1981; thence binding on the centerline of the former bed of last said Northern Parkway, as condemned and closed, South 71°21'38" East 52 feet, more or less, to intersect the north side of Northern Parkway, mentioned firstly herein, and thence binding on the north side of Northern Parkway, mentioned firstly herein, Westerly by a line curving to the left

with a radius of 397.46 feet the distance of 53.5 feet, more or less, to the place of beginning.

Subject to an easement for municipal utilities and services for all utilities not to be abandoned.

Said property being no longer needed for public use.

All courses and distances in the above description are referred to as true meridian as adopted by the Baltimore Survey Control System.

SEC. 2. AND BE IT FURTHER ORDAINED, That no deed or deeds shall pass in accordance herewith until the same shall have been approved by the City Solicitor.

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved October 28, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 268

(Council Bill No. 589)

AN ORDINANCE concerning

ZONING - APPROVAL FOR CONDITIONAL USE
DRIVE IN RESTAURANT WITH 2 DRIVE-THROUGH WINDOWS -
3360 ANNAPOLIS ROAD

FOR the purpose of granting permission for the establishment, maintenance and operation of a drive-in restaurant with a 2 drive-through ~~window~~ windows on the property known as 3360 Annapolis Road, as outlined in red on the plats accompanying this ordinance.

BY authority of
Article 30 - Zoning
Sections 6.3-1d-3 and 11.0-6d
Baltimore City Code (1983 Replacement Volume, as amended)

SECTION. 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is hereby granted for the establishment, maintenance and operation of a drive-in restaurant with 2 drive-through windows on the property known as 3360 Annapolis Road, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 6.3-1d-3 and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) titled "Zoning".

SEC. 2. AND BE IT FURTHER ORDAINED, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: The Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the ~~30th day after the~~ date of its enactment.

Approved October 28, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 269

(Council Bill No. 591)

AN ORDINANCE concerning

NAMING A PARK

FOR the purpose of naming the park at the corner of Druid Hill Avenue and Presstman Street the Saint Katherine of Alexandria Memorial Park.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the name of the park at the corner of

Druid Hill Avenue and Presstman Street, (2001 Druid Hill Avenue) shall hereafter be known as the Saint Katherine of Alexandria Memorial Park.

SEC. 2. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved October 28, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 270

(Council Bill No. 634)

AN ORDINANCE concerning

CITY PROPERTY SALE

FOR the purpose of authorizing the Mayor and City Council of of Baltimore to sell at either public or private sale all of the interest of the Mayor and City Council of Baltimore in and to a certain parcel of land situated known as Lot 11, Coldspring Project, said parcel of land and improvements being no longer needed for public use.

BY authority of
Article V - Comptroller
Section 5(b)
Baltimore City Charter (1964 Revision, as amended)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Comptroller of Baltimore City be and she is hereby authorized to sell, at either public or private sale in accordance with Article V, Section 5(b) of the City Charter (1964 Revision, as amended), all of the interest of the Mayor and City Council of Baltimore in and to a certain parcel of land situated in Baltimore, Maryland and described as follows:

Lot 11 on the amended subdivision plat Coldspring Project, Section 1, dated June 7, 1988, file reference No. 119-A-20H +/- 18.77 acres

Said property being no longer needed for public use.

All courses and distances in the above description are referred to as true meridian as adopted by the Baltimore Survey Control System.

SEC. 2. AND BE IT FURTHER ORDAINED, That no deed or deeds shall pass in accordance herewith until the same shall have been approved by the City Solicitor.

SEC. 3. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved October 28, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

ORDINANCE NO. 271

(Council Bill No. 667)

AN ORDINANCE concerning

CABLE COMMUNICATIONS -
RATE AND CUSTOMER SERVICE REGULATIONS

FOR the purpose of regulating basic service and equipment rates for cable communications and customer service.

WHEREAS, The Government of the United States of America enacted the Cable Communications Policy Act of 1984, P.L. 98-549 on October 30, 1984, preempting the regulation of cable television services by local franchising authorities; and

WHEREAS, The relationship between the City of Baltimore and United Cable Television of Baltimore, Inc., for the provision of cable television service to the Baltimore City population has been governed in accordance with the terms and conditions set forth in the Franchise Agreement dated as of November 29, 1984 and incorporated into Ordinance No. 263, approved December 21, 1984; and

WHEREAS, The Government of the United States of America enacted the Cable Television Consumer Protection and Competition Act of 1992, P.L. 102-385 on October 5, 1992, subjecting the provision of

cable television services to new and additional regulation by the Federal Communications Commission and by local franchising authorities; and

WHEREAS, The Cable Television Consumer Protection and Competition Act of 1992 and Federal Communications Commission regulations promulgated pursuant thereto restore the authority of local franchising authorities to regulate cable television services with respect to customer service and rates for provision of basic service tier rates, and the charges for related equipment, installation and services, of a Cable Television System in accordance with Federal Communications Commission regulations; and

WHEREAS, This Ordinance is for the purpose of reconciling the terms of Ordinance No. 263, approved December 21, 1984, concerning Franchise - United Cable Television of Baltimore, Inc. Cable Communications System and the Franchise Agreement of November 29, 1984, with the Cable Television Consumer Protection and Competition Act of 1992 and the regulations promulgated pursuant thereto by the Federal Communications Commission; now, therefore

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That pursuant to that Ordinance No. 263, approved December 21, 1984, concerning Franchise - United Cable Television of Baltimore, Inc. Cable Communications System and to the Cable Television Consumer Protection and Competition Act of 1992, P.L. 100-305, the following customer service regulations shall be effective on date of enactment of this ordinance. With respect to any inconsistencies between this Ordinance and Sections 9, 17, 22 and 24 of the Franchise Agreement, this Ordinance shall govern.

A. Cable system office hours and telephone availability —

1. The cable operator shall maintain a local toll-free or collect call telephone access line which shall be available to its subscribers 24 hours a day, seven days a week.
 - a. Trained company representatives shall be available to respond to customer telephone inquiries during normal business hours.
 - b. After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours must be

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responded to by a trained company representative on the next business day.

2. Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds. These standards shall be met no less than ninety (90) percent of the time under normal operating conditions, measured on a quarterly basis.
 3. The operator shall not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards above unless an historical record of complaints indicates a clear failure to comply. To the extent that the operator acquires or has equipment or performs surveys to measure compliance with these standards, the operator shall maintain all records and reports generated for availability to the City upon request.
 4. Under normal operating conditions, the customer shall receive a busy signal less than three (3) percent of the time.
 5. The cable operator's system office facilities and headquarters, including but not limited to, customer service center and bill payment locations, shall be located within the service area and shall be open at least during normal business hours. The customer service center shall be staffed by an officer of the cable operator with full decision-making authority over the day-to-day operations of the system. The operator shall maintain at least two (2) bill payment locations in addition to the customer service center.
- B. Installations, outages and service calls — Under normal operating conditions, each of the following standards shall be met no less than ninety-five (95) percent of the time measured on a quarterly basis:
1. Standard installations shall be performed within seven (7) business days after an order has been placed. "Standard" installations are those that are located up to 125 feet from the existing distribution system.

2. The cable operator shall render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible. Such interruptions, insofar as possible, shall be preceded by notice and shall occur during periods of minimum use of the system.
 3. Excluding conditions beyond the control of the operator, the cable operator shall begin working on system outages promptly and in no event later than 24 hours after the interruption becomes known. The cable operator must begin actions to correct customer service problems by the end of the next business day after notification of the service problem.
 4. The "appointment window" alternatives for installations, service calls, and other installation activities shall be either a specific time or, at maximum, a four-hour time block during normal business hours. (The operator may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer.)
 5. An operator may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.
 6. If a cable operator representative is running late for an appointment with a customer and shall not be able to keep the appointment as scheduled, the cable operator shall contact the customer and reschedule the appointment if necessary, at a time which is convenient for the customer.
- C. Communications between cable operators and cable subscribers —
1. Notifications to subscribers —
 - a. The cable operator shall provide written information on each of the following areas at the time an installation agreement is to be signed, at least annually to all subscribers, and at any time upon request:

- (1) products and services offered;
- (2) prices and options for programming services and conditions of subscription to programming and other services;
- (3) installation and service maintenance policies;
- (4) instructions on how to use the cable service;
- (5) channel positions of programming carried on the system;
- (6) billing and complaint procedures; and
- (7) identification of the franchise authority as the Mayor's Office of Cable and Communications, whose address and telephone number shall be given. Such identification shall be shown separately and not proximate to the listing given to subscribers for cable operator customer service and billing information.

Explanation of billing procedures shall include details of the operator's policies of imposing charges for late payments, including but not limited to, the date upon which late charges begin to accrue and the manner in which they are calculated, as well as details of the operator's policies for providing credit for service interruptions, subscriber service problems, and system outages.

- b. Customers shall be notified of any changes in rates, programming services, or channel positions as soon as possible through announcements on the cable system and in writing. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of the cable operator. In addition, the cable operator shall notify subscribers thirty (30) days in advance of any significant changes in the other information required by the preceding paragraph.
- c. A copy of all mass communications mailed or delivered to its cable subscribers by the cable operator shall be mailed to the Mayor's Office of Cable and Communications at the time of mailing or delivery to subscribers.

2. Billing —

- a. Bills shall be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, itemized charges for each tier of service, each a-la-carte channel or program, and each piece of equipment provided by the cable operator, as well as each service charge by service performed. Bills shall also clearly delineate all activity during the billing period, including optional charges, rebates and credits. Bills shall identify the franchise authority. This identification shall be separate, distinct, and not proximate to the listing of the cable operator's customer service and billing number and address.
 - b. In case of a billing dispute, the cable operator must respond to a written complaint from a subscriber within thirty (30) days of receipt of the complaint.
3. Refunds — Refund checks shall be issued promptly, but not later than either —
- a. the customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier, or
 - b. the return of the equipment supplied by the cable operator if service is terminated.
4. Credits — Credits for service shall be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

D. Definitions —

1. Normal Business Hours — means those hours during which most similar businesses in the community are open to serve customers. In all cases, "normal business hours" must include some evening hours at least one night per week and/or some weekend hours.
2. Normal Operating Conditions — means those service conditions which are within the control of the cable operator. Those conditions which are not within the

control of the cable operator include, but are not limited to, natural disasters, civil disturbances, electrical power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the cable operator include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system.

3. Service Interruption — means the loss of picture or sound on one or more cable channels as the result of the act of the cable operator.
4. Subscriber Service Problem — means the loss of picture or sound on one or more cable channels on a per-subscriber basis.
5. System Outage — means the loss of picture or sound on one or more cable channels on a system-wide basis.

SEC. 2 AND BE IT FURTHER ORDAINED, That pursuant to Ordinance No. 263 of 1984, concerning Franchise — United Cable Television of Baltimore, Inc, Cable Communications System, and to the Cable Television Consumer Protection and Competition Act of 1992, P.L. 100-305, and the Regulations of the Federal Communications Commission, propounded at 47 C.F.R. § 76.900 et seq. and § 76.1100 et seq., which regulations are incorporated herein in toto by reference, as amended from time to time by the Federal Communications Commission, the following basic service and equipment rate regulations shall be effective from the date of enactment of this Ordinance. With respect to any inconsistencies between this Ordinance and Sections 22 and 24 of the Franchise Agreement incorporated into Ordinance No. 263 of 1984, this Ordinance shall govern.

A. Rate Regulation —

1. Public Notice and Comment - Within twenty (20) days after the filing of initial rates and/or a request for rate change, or, if the City needs additional time to review the cable operator's showing, within sixty (60) days after the filing of initial rates and/or a request for rate change, the City shall solicit written comments from any interested party on the proposed rates. The time period

for accepting public comments shall not be construed strictly by the City. The cable operator shall notify its subscribers of the opportunity to comment on its proposed initial rates and/or request for rate change by announcement on at least two (2) commercial network channels of its system carried on the basic tier between the hours of 7:00 p.m. and 9:00 p.m., for at least ten (10) consecutive days after filing its initial rates and/or request for rate change. In addition, the cable operator shall publish notice of the opportunity to comment in two newspapers of general circulation at least once, but it may publish the notice two (2) or more times, provided that one (1) publication occurs within seven (7) days of the filing of initial rates and/or request for rate change. The cable operator's notice shall include reference to the proposed rates, the time period for submission of written comments, the address to which the comments should be sent, and the telephone number of the Mayor's Office of Cable and Communications for additional information. The announcement carried on the operator's system shall be in writing with voiceover and shall appear on the screen for a period of at least ten (10) seconds.

2. Public Hearing — Within twenty (20) days after the filing of initial rates and/or a request for rate change, or, if the City needs additional time to review the cable operator's showing, within sixty (60) days after the filing of initial rates and/or a request for rate change, the City may hold an appropriate public hearing to consider the proposed rate change, at which hearing all persons desiring to be heard, including the cable operator, shall be heard on the proposed new rates. Upon notice of any public hearing by the City, the cable operator shall notify its subscribers of the time, place, and subject matter of the public hearing by announcement on at least two (2) commercial network channels of its system carried on the basic tier between the hours of 7:00 p.m. and 9:00 p.m., for at least five (5) consecutive days prior to the hearing. In addition, the cable operator shall publish notice of any public hearing in two newspapers of general circulation at least once, but it may publish the notice two (2) or more times, provided that one (1) publication occurs not less

than seven (7) days before the public hearing. The announcement carried on the operator's system shall be in writing with voiceover and shall appear on the screen for a period of at least ten (10) seconds.

3. Complaints regarding Cable Programming Service Rates — A copy of any complaint filed with the Federal Communications Commission regarding cable programming service rates shall be served upon the Mayor's Office of Cable and Communications.

SEC. 3 AND BE IT FURTHER ORDAINED, That pursuant to Ordinance No. 263 Of 1984, concerning Franchise — United Cable Television of Baltimore, Inc, Cable Communications System, and to the Cable Television Consumer Protection and Competition Act of 1992, P.L. 100-305, and the Regulations of the Federal Communications Commission, propounded at 47 C.F.R. § 76.900 et seq. and §76.1100 et seq., which regulations are incorporated herein in toto by reference, as amended from time to time by the Federal Communications Commission, the City will follow the above referenced FCC Regulations in its regulation of the franchisee and any other cable television system operating in the City, notwithstanding any different or inconsistent provisions in the franchise.

SEC. 34. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect on the date of its enactment.

Approved November 9, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

RESOLUTION NO. 9

(Council Bill No. 434)

A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS
(FURNESS HOUSE LIMITED PARTNERSHIP PROJECT) - \$1,000,000

FOR the purpose of authorizing and empowering the Mayor and City Council of Baltimore (the "City") to issue and sell, at any time or from time to time, and in one or more series, as limited obligations and not upon its full faith and credit or pledge of its taxing power, its economic development revenue bonds, in the aggregate principal amount not to exceed One Million and 00/100 Dollars (\$1,000,000.00) pursuant to and in accordance with the Maryland Economic Development Revenue Bond Act, Sections 14-101 to 14-109, inclusive, of Article 41 of the Annotated Code of Maryland (1990 Replacement Volume and 1991 Supplement), for the purposes of partially financing the acquisition and renovation costs of a certain facility, hereinafter described (the "Facility"), consisting of a 20,000 square foot office building known as the "Furness House", located at 19-21 South Street, near the corner of Water Street, in Baltimore City, Maryland, and paying certain other costs in connection therewith to the extent permitted under the Act (including, without limitation, costs of issuance of the revenue bonds); making certain legislative findings; reserving in the City certain rights concerning the issuance of such bonds; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions, and the Mayor, by executive order or otherwise, whether before or after the issuance, sale and delivery of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such economic development revenue bonds and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that such bonds or bond anticipation notes issued in anticipation of the issuance of the Bonds must be issued and sold within twelve months from the date this resolution is approved by the Mayor, unless the Board of

Finance or the Mayor approves one twelve-month extension as provided in this Resolution; authorizing the issuance of notes in anticipation of the issuance of such bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 14-101 to 14-109, inclusive, of Article 41 of the Annotated Code of Maryland (1990 Replacement Volume and 1991 Supplement) (the "Act"), provides that in order to accomplish the legislative policy of the Act, the Mayor and City Council of Baltimore (the "City") and any other public body (as defined in the Act) may issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its full faith and credit or pledge of its taxing power, at any time or from time to time, in one or more series, for the purposes of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable. The powers granted to the City by the Act are for the legislative purposes of (i) relieving conditions of unemployment in the State of Maryland (the "State") and in Baltimore City, (ii) encouraging the increase of industry and commerce and a balanced economy in the State and in Baltimore City, (iii) assisting in the attraction of existing industry and commerce and in the attraction of new industry and commerce in the State and in Baltimore City, (iv) promoting economic development in the State and in Baltimore City, and (v) promoting the general health, welfare and safety of the residents of the State and Baltimore City.

The Facility constitutes and is operated by the Borrower Furnace House Limited Partnership, an affiliate of the Cordish Company ("Borrower"), as a two-story office building containing approximately 20,000 square feet of usable space located at 19 - 21 South Street, together with (i) necessary or desirable equipment, tenant improvements, fixtures and machinery, (ii) the land site and interests in land necessary or desirable for the Facility, together with roads or other rights of access, utilities and other necessary or desirable facilities, and (iii) all improvements, modifications and additions to all or any portion

of the Facility. The Facility, which is a Baltimore City landmark, is currently leased by the Borrower to Alex. Brown & Sons, Inc.

The City has received a letter of intent dated November 25, 1992 (the "Letter of Intent") from the Borrower, pursuant to which the Borrower has requested the City to issue and sell its economic development revenue bonds, as its limited obligations and not upon its full faith and credit or pledge of its taxing power, at any time or from time to time and in one or more series, in an aggregate principal amount not to exceed One Million and 00/100 Dollars (\$1,000,000.00) (the "Bonds"), pursuant to and in accordance with the Act, for the purpose of partially financing the acquisition and renovation costs of the Facility, and paying certain other costs in connection therewith to the extent permitted under the Act (including, without limitation, costs of issuance of the Bonds and payment of an administrative fee).

The Letter of Intent expresses the Borrower's intention that the interest payable on Bonds shall not be exempt from Federal Income Taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), such interest shall be exempt from State income tax, and the Borrower represents in the Letter of Intent that such Bonds will not be subject to the City's volume cap pursuant to Section 146(i) of the Code. The Borrower acknowledges in the Letter of Intent that the City reserves certain rights concerning the issuance of the Bonds as provided in Section 6 hereof.

The City, based upon the findings and determinations set forth below, has determined to issue, sell and deliver, at any time or from time to time and in one or more series, its Bonds in an aggregate principal amount not to exceed One Million and 00/100 Dollars (\$1,000,000.00), and to lend the proceeds of the Bonds for the benefit of the Borrower upon the terms and conditions of one or more loan or financing agreements to be entered into between the City and the Borrower (and any other parties necessary to implement and consummate the transaction), such proceeds to be used by the Borrower to partially finance the acquisition and renovation costs of the Facility and pay such other costs as may be permitted by the Act and agreed to by the City (including, without limitation, costs of issuance of the Bonds).

The Act provides that the City may authorize and empower the Board of Finance of the City (the "Board"), by resolution, or the Mayor, by executive order or otherwise, to determine and set forth the form, terms, provisions, manner, or method of issuing and selling (including

negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds; now, therefore, in accordance with the Act:

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That acting pursuant to the Act it is hereby found and determined as follows:

1.1. The Borrower is a "facility applicant" and a "facility user" within the meaning of the Act; the Facility is a "facility" within the meaning of the Act; and this Resolution is a "resolution" within the meaning of the Act.

1.2. The acquisition of the Facility and the financing thereof and the payment of certain costs authorized herein will promote the declared legislative purposes of the Act by (a) relieving conditions of unemployment in the State and in Baltimore City; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in Baltimore City; (c) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State and in Baltimore City; (d) promoting economic development; and (e) generally promoting the health, welfare and safety of the residents of the State and Baltimore City.

1.3. The Bonds and the interest thereon will be limited obligations of the City and the principal of, premium, if any, and interest thereon shall be payable solely from the revenues received in connection with the financing of the Facility or from any other monies made available to the City for such purpose. Any bond anticipation notes shall also be payable from the proceeds of the Bonds in anticipation of which such notes were issued. Neither the Bonds nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and neither shall constitute or give rise to any pecuniary liability of the City.

1.4. Neither the proceeds of the Bonds nor the payments of the principal of, premium, if any, and interest on the Bonds will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to limited supervision and the City shall retain only those rights as are deemed necessary or

desirable by the City to ensure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Resolution. The transactions provided for hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use.

SEC. 2. AND BE IT FURTHER RESOLVED, That this Resolution, among other things, evidences the present intent of the City to issue, sell and deliver the Bonds in accordance with the terms and provisions of the Resolution. The Mayor is hereby authorized, empowered and directed to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue and sell the Bonds in accordance with the terms and provisions of the Resolution.

SEC. 3. AND BE IT FURTHER RESOLVED, That the City is hereby authorized and empowered to issue, sell and deliver the Bonds, at any time or from time to time in one or more series, in an aggregate principal amount not to exceed One Million and 00/100 Dollars (\$1,000,000.00), subject to the provisions of this Resolution. For the purposes of applying the foregoing limitation in the event that any refunding bonds or bonds issued to repay bond anticipation notes are issued, the outstanding principal amount of any bonds or bond anticipation notes, respectively, provisions for the payment of which have been made from the proceeds of such refunding bonds or such bonds, respectively, or from other sources, shall not be taken into account when determining the aggregate principal amount of bonds issued sold and delivered pursuant to this Resolution.

SEC. 4. AND BE IT FURTHER RESOLVED, That the Bonds shall mature within forty (40) years of their issuance.

SEC. 5. AND BE IT FURTHER RESOLVED, That the City will lend the proceeds of the Bonds to the Borrower pursuant to the terms and provisions of one or more loan agreements (within the meaning of the Act) or financing agreements (the "Loan Agreement"), to be used by the Borrower for the purpose of partially financing the acquisition and renovation costs of the Facility, and paying such other costs as may be permitted by the Act and agreed upon by the City (including, without limitation, costs of issuance of the Bonds). The Loan Agreement will provide that the Borrower will make payments which will be sufficient to enable the City to pay the principal of, premium, if any, and interest on the Bonds when and as the same become due and payable.

SEC. 6. AND BE IT FURTHER RESOLVED, That the City reserves the right, and in its sole and absolute discretion, to take any action deemed necessary by the City in order to ensure that the City (a) complies with present federal and state laws and any pending of future federal or state legislation, whether proposed or enacted, which may affect or restrict the issuance of the Bonds, and (b) issues its bonds, within the limits imposed by any such laws, or any such pending or future legislation or any future local laws, to finance or refinance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, the City reserves the right to choose to issue its bonds (within the meaning of the Act and any present or future state or local laws) in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 6, the City reserves the right in its sole and absolute discretion to, among other things, (a) never issue the Bonds, (b) issue only a portion of the aggregate principal amount of the Bonds requested by the Borrower, (c) restrict the use of the proceeds of the Bonds, (d) subject to Section 12 hereof, delay the issuance of the Bonds, or (e) take any other actions deemed necessary by the City, in its sole and absolute discretion, in order to ensure that the City achieves the goals set forth in the preceding paragraph.

SEC. 7. AND BE IT FURTHER RESOLVED, That the Bonds shall be executed in the name of the City and on its behalf by the Mayor by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian or Alternate Custodian of the City Seal by her manual or facsimile signature. The Mayor, the Director of Finance of the City, the Custodian or Alternate Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and to execute, acknowledge, enseat and deliver on behalf of the City such documents and certificates, including (without limitation) the Loan Agreement, as the Board of Finance or the Mayor may determine to be necessary or desirable to carry out and comply with the provisions of this Resolution, subject to the limitations set forth in the Act and any limitations set forth in this Resolution. If any officer whose signature or a facsimile of his signature appears on the Bonds or any of the aforesaid documents ceases to be such officer before the delivery of the Bonds or

any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

SEC. 8. AND BE IT FURTHER RESOLVED, That, as permitted by the Act, the Bonds either may be sold at a private (negotiated) sale, at par or at such other prices as the Board of Finance or the Mayor deems appropriate, or may be sold at a public sale, at par, above par or below par, in either or both of which events, the Bonds shall be sold in such manner, at such times, and upon such terms and conditions as the Board of Finance or the Mayor deems to be in the best interest of the City.

SEC. 9. AND BE IT FURTHER RESOLVED, That prior to the issuance, sale and delivery of the Bonds, the Board of Finance by a resolution or resolutions, or the Mayor by executive order or otherwise:

9.1. Shall prescribe the form, tenor, terms and conditions of and security for the Bonds;

9.2. Shall prescribe the principal amount, rate or rates of interest, denomination or denominations, date, maturity or maturities (within the limits prescribed by the Act and the Code), for the Bonds;

9.3. May appoint a trustee or trustees, a bond registrar and a paying agent or agents for the Bonds;

9.4. Shall approve the form and contents of, and the execution and delivery of (where applicable), the Loan Agreement, and such documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guarantees and security instruments to which the City is, or may become a party or beneficiary and which may be necessary or desirable to effectuate the issuance, sale and delivery of the Bonds;

9.5. Shall determine the time of execution, issuance, sale and delivery of the Bonds, and prescribe any and all other details of the Bonds;

9.6. Shall determine the method, and approve the terms, of the sale of the Bonds, as provided in Section 8 of this Resolution;

9.7. Shall provide for the direct payment by the Borrower of all reasonable costs, fees and expenses incurred by or on behalf of the City

in connection with the issuance, sale and delivery of the Bonds, including (without limitation) costs of printing (if any) and issuing the Bonds, legal expenses (including the fees of bond counsel) and the compensation to any person (other than full-time employees of the City) performing services by or on behalf of the City in connection therewith;

9.8. May provide for the issuance and sale (subject to the passage at the time of the appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

9.9. May provide for the funding of reserves for the Bonds and for the payment of interest on the Bonds in such amounts, or for such period, as the Board of Finance or the Mayor deems reasonable; and

9.10. May specify, prescribe, determine, provide for or approve such other matters, details, forms, documents or procedures and do any and all things necessary or appropriate for the authorization, sale, security, issuance, delivery or payment of or for the bonds and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 10. BE IT FURTHER RESOLVED, That the Board of Finance is hereby authorized and empowered to adopt one or more resolutions from time to time, either before or after the issuance, sale and delivery of the Bonds, to supplement the resolution or resolutions referred to in the provisions of Section 9 hereof, and the Mayor is hereby authorized and empowered, by executive order or otherwise, either before or after the issuance, sale and delivery of the Bonds, to supplement the executive order referred to in the provisions of Section 9 hereof, and thereby approve amendments or supplements to or substitutes for the forms and provisions of Bonds, the Loan Agreement, any trust agreement or similar agreements and all other documents approved by such resolution or resolutions or executive order or executive orders, provided that each supplemental resolution or supplemental executive order and each such amendment, supplement or substitute shall be in accordance with the provisions of the Act, this Resolution and the documents executed in connection with the Bonds and then in effect.

SEC. 11. AND BE IT FURTHER RESOLVED, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held to be illegal, invalid or unconstitutional or

inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof is inapplicable had been specifically exempted herefrom.

SEC. 12. AND BE IT FURTHER RESOLVED, That either the Bonds or any bond anticipation notes must be issued and sold and within twelve (12) months from the date on which this Resolution is approved by the Mayor, provided, however, that (a) the Mayor, by executive order or otherwise, after a showing of good cause, prior to or after the expiration of such twelve (12) month period, or (b) the Board of Finance, after showing of good cause at a public hearing held before the Board of Finance prior to or after the expiration of such twelve (12) month period, may extend the period during which either the Bonds or any notes in anticipation thereof may be issued and sold for one additional term not exceeding twelve (12) months from the date on which the first twelve (12) month period expires. The Board of Finance or Mayor shall have sole and absolute discretion without action by the City Council of the City to determine the sufficiency or lack of sufficiency of any reason, if any is given, for the requested extension for the first twelve (12) month period. If an extension is granted, notice of such extension and the reasons therefore must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twenty-four (24) months from the date on which this Resolution is approved by the Mayor, the authority provided in this Resolution for the City to issue and sell the bonds and any bond anticipation notes shall expire; provided, however, that the expiration of the authority to issue the Bonds, contained in this Resolution, shall not affect the present intent of the City to issue the Bonds, as described in Section 2 hereof.

SEC. 13. AND BE IT FURTHER RESOLVED, That this Resolution shall take effect on the date of its enactment.

Approved January 26, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

RESOLUTION NO. 10

(Council Bill No. 435)

A RESOLUTION concerning

POLLUTION CONTROL REVENUE REFUNDING BONDS
(GLIDDEN PLANTS, INC. PROJECT) - \$17,000,000

FOR the purpose of authorizing and empowering the Mayor and City Council of Baltimore to issue and sell, at any time or from time to time, and in one or more series, as limited obligations and not upon its full faith and credit or pledge of its taxing power, its economic development revenue bonds, in the aggregate principal amount not to exceed Seventeen Million Dollars (\$17,000,000) pursuant to and in accordance with the Maryland Economic Development Revenue Bond Act, Sections 14-101 to 14-109, inclusive, of Article 41 of the Annotated Code of Maryland (1990 Replacement Volume and 1992 Cumulative Supplement), for the ~~purposes~~ purpose of refunding the outstanding City of Baltimore, Maryland Pollution Control Revenue Bonds (SCM Corporation Project), Series A, which bonds were issued and sold to finance the acquisition of certain pollution control facilities for use at three manufacturing locations of SCM Chemicals, Inc. a subsidiary of HM Investments, Ltd. located substantially within the city limits of Baltimore City, ~~and paying certain other costs in connection therewith to the extent permitted under the Act (including, without limitation, costs of issuance of the revenue refunding bonds and the repayment of all or a portion of the equity investment in such building to the respective investors);~~ making certain legislative findings; reserving in the City certain rights concerning the issuance of such bonds; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions, and the Mayor, by executive order or otherwise, either before or after the issuance, sale and delivery of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details

of such economic development revenue refunding bonds and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that such bonds or bond anticipation notes issued in anticipation of the issuance of such bonds must be issued and sold within six months from the date this resolution is approved by the Mayor, unless the Board of Finance or the Mayor approves one six-month extension as provided in this Resolution; authorizing the issuance of notes in anticipation of the issuance of such bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 14-101 to 14-109, inclusive, of Article 41 of the Annotated Code of Maryland (1990 Replacement Volume and 1992 Cumulative Supplement) (the "Act"), provides that in order to accomplish the legislative policy of the Act, the Mayor and City Council of Baltimore (the "City") and any other public body (as defined in the Act) may issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its full faith and credit or pledge of its taxing power, at any time or from time to time, for the purpose of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable. The powers granted to the City by the Act are for the legislative purposes of (i) relieving conditions of unemployment in the State and in Baltimore City, (ii) encouraging the increase of industry and commerce and a balanced economy in the State of Maryland (the "State") and in Baltimore City, (iii) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State and in Baltimore City, (iv) promoting economic development in the State and in Baltimore City, and (v) promoting the general health, welfare and safety of the residents of the State and Baltimore City.

On February 19, 1975, the City issued and sold its City of Baltimore, Maryland Pollution Control Revenue Bonds (SCM Corporation Project), Series A, in the aggregate principal amount of Seventeen Million Dollars (\$17,000,000) (the "Prior Bonds") and loaned

the proceeds thereof to Glidden Plants, Inc. (the "Borrower"), a Maryland corporation and a subsidiary of HM Investments, Ltd. ("HM Investments") for the purpose of financing the acquisition of certain pollution control facilities for use at three manufacturing locations of SCM Chemicals, Inc. ("SCM Chemicals"), a Maryland corporation and a direct subsidiary of HM Investments located substantially within the city limits of Baltimore City (collectively, the "Facility"). Glidden Plants, Inc. may change its name prior to the issuance of the Bonds to SCM Plants, Inc., and such entity or any other corporate subsidiary of HM Investments, ~~Inc.~~, the parent corporation of Glidden Plants, Inc., designated by Glidden Plants, Inc. may constitute the Borrower hereunder.

The Prior Bonds were issued pursuant to (a) the Act, (b) Ordinance No. 696 of the 1974 Legislative Session of the City, passed by the City Council of the City on June 10, 1974 and approved by the Mayor of the City (the "Mayor") on June 17, 1974, and (c) a resolution of the Commissioners of Finance of the City adopted on February 6, 1975.

The Facility consists generally of air and water pollution control facilities acquired and installed at the Hawkins Point Plant of SCM Chemicals, located substantially within the limits of the City; air and water pollution control facilities acquired and installed at the Pemco-Eastern Avenue plant of SCM Chemicals, located within the limits of the City, which was sold by the SCM Corporation subsequent to the issuance of the prior bonds and is now owned and operated by Miles, Inc.; and water pollution control facilities acquired and installed at the St. Helena-Broening Highway Plant of SCM Chemicals, located within the limits of the City, together with (i) necessary or desirable equipment, improvements, fixtures and machinery, (ii) the land site and interests in land necessary or desirable for the Facility, together with roads or other rights of access, utilities and other necessary or desirable facilities, and (iii) all improvements, modifications and additions to all or any portion of the Facility.

The City has received a letter of intent dated December 4, 1992 (the "Letter of Intent") from the Borrower, pursuant to which the Borrower has requested the City to issue and sell its economic development revenue bonds, as its limited obligations and not upon its full faith and credit or pledge of its taxing power, at any time or from time to time and in one or more series, in an aggregate principal amount not to exceed Seventeen Million Dollars (\$17,000,000) (the "Bonds"), pursuant to and in accordance with the Act, for the purpose of

~~refunding the outstanding Prior Bonds, including the payment of all accrued and unpaid interest and redemption premiums, if any, on the Prior Bonds, and paying certain other costs in connection therewith to the extent permitted under the Act (including, without limitation, costs of issuance of the Bonds, and payment of any administrative fee).~~

The Letter of Intent expresses the Borrower's intention that the interest payable on the portion of the Bonds issued to pay the outstanding principal of the Prior Bonds shall be exempt from federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), and the Borrower represents in the Letter of Intent that such Bonds will not be subject to the City's volume cap pursuant to Section 146(i) of the Code. ~~The Letter of Intent expresses the Borrower's intention that the interest payable on the remainder of the Bonds will not be exempt from federal income taxation.~~ The Borrower acknowledges in the Letter of Intent that the City reserves certain rights concerning the issuance of the Bonds as provided in Section 6 hereof.

The City, based upon the findings and determinations set forth below, has determined to issue, sell and deliver, at any time or from time to time and in one or more series, the Bonds in an aggregate principal amount not to exceed Seventeen Million Dollars. (\$17,000,000), and to lend the proceeds of the Bonds for the benefit of the Borrower upon the terms and conditions of one or more loan or financing agreements to be entered into between the City and the Borrower (and any other parties necessary to implement and consummate the transaction), such proceeds to be used by the Borrower to refund the Prior Bonds ~~and pay such other costs as may be permitted by the Act and agreed to by the City (including, without limitation, costs of issuance of the Bonds).~~

The Act provides that the City may authorize and empower the Board of Finance of the City (the "Board"), by resolution, or the Mayor, by executive order or otherwise, to determine and set forth the form, terms, provisions, manner, or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds; now, therefore, in accordance with the Act:

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That acting pursuant to the Act it is hereby found and determined as follows:

1.1. The Borrower is a "facility applicant" and a "facility user" within the meaning of the Act; the Facility is a "facility" within the meaning of the Act; and this Resolution is a "resolution" within the meaning of the Act.

1.2. The acquisition of the Facility and the financing thereof has promoted, and the refunding of the Prior Bonds and payment of other costs authorized herein will continue to promote, the declared legislative purposes of the Act by (a) relieving conditions of unemployment in the State and in Baltimore City; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in Baltimore City; (c) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State and in Baltimore City; (d) promoting economic development; and (e) generally promoting the health, welfare and safety of the residents of the State and Baltimore City.

1.3. The Bonds and the interest thereon will be limited obligations of the City and the principal of, premium, if any, and interest thereon shall be payable solely from the revenues received in connection with the financing of the Facility or from any other monies made available to the City for such purpose. Any bond anticipation notes shall also be payable from the proceeds of the Bonds in anticipation of which such notes were issued. Neither the Bonds nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and neither shall constitute or give rise to any pecuniary liability of the City.

1.4. Neither the proceeds of the Bonds nor the payments of the principal of, premium, if any, and interest on the Bonds will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to limited supervision and the City shall retain only those rights as are deemed necessary or desirable by the City to ensure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Resolution. The transactions provided for hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use, except to the extent that

the City may be a tenant of all or a portion of the Facility on the same basis as any other tenant.

SEC. 2. AND BE IT FURTHER RESOLVED, That this Resolution, among other things, evidences the present intent of the City to issue, sell and deliver the Bonds in accordance with the terms and provisions of the Resolution. The Mayor of the City (the "Mayor") is hereby authorized, empowered and directed to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue and sell the Bonds in accordance with the terms and provisions of the Resolution.

SEC. 3. AND BE IT FURTHER RESOLVED, That the City is hereby authorized and empowered to issue, sell and deliver the Bonds, at any time or from time to time in one or more series, in an aggregate principal amount not to exceed Seventeen Million Dollars (\$17,000,000), subject to the provisions of this Resolution. For the purposes of applying the foregoing limitation in the event that any refunding bonds or bonds issued to repay bond anticipation notes are issued, the outstanding principal amount of any bonds or bond anticipation notes, respectively, provisions for the payment of which have been made from the proceeds of such refunding bonds or such bonds, respectively, or from other sources, shall not be taken into account when determining the aggregate principal amount of bonds issued sold and delivered pursuant to this Resolution.

SEC. 4. AND BE IT FURTHER RESOLVED, That the Bonds shall mature within ~~forty (40)~~ thirty (30) years of their issuance.

SEC. 5. AND BE IT FURTHER RESOLVED, That the City will lend the proceeds of the Bonds to the Borrower pursuant to the terms and provisions of one or more loan agreements (within the meaning of the Act) or financing agreements (the "Loan Agreement"), to be used by the Borrower for the purpose of refunding the Prior Bonds ~~and paying such other costs as may be permitted by the Act and agreed upon by the City (including, without limitation, costs of issuance of the Bonds).~~ The Loan Agreement will provide that the Borrower will make payments which will be sufficient to enable the City to pay the principal of, premium, if any, and interest on the Bonds when and as the same become due and payable.

SEC. 6. AND BE IT FURTHER RESOLVED, That the City reserves the right, and in its sole and absolute discretion, to take any action deemed necessary by the City in order to ensure that the City (a)

complies with present federal and state laws and any pending or future federal or state legislation, whether proposed or enacted, which may affect or restrict the issuance of the Bonds, and (b) issues its bonds, within the limits imposed by any such laws, or any such pending or future legislation or any future local laws, to finance or refinance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, the City reserves the right to choose to issue its bonds (within the meaning of the Act and any present or future state or local laws) in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 6, the City reserves the right in its sole and absolute discretion to, among other things, (a) never issue the Bonds, (b) issue only a portion of the aggregate principal amount of the Bonds requested by the Borrower, (c) restrict the use of the proceeds of the Bonds, (d) subject to Section 12 hereof, delay the issuance of the Bonds, or (e) take any other actions deemed necessary by the City, in its sole and absolute discretion, in order to ensure that the City achieves the goals set forth in the preceding paragraph.

SEC. 7. AND BE IT FURTHER RESOLVED, That the Bonds shall be executed in the name of the City and on its behalf by the Mayor by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian or Alternate Custodian of the City Seal by her manual or facsimile signature. The Mayor, the Director of Finance of the City, the Custodian or Alternate Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and to execute, acknowledge, enseal and deliver on behalf of the City such documents and certificates, including (without limitation) the Loan Agreement, as the Board of Finance or the Mayor may determine to be necessary or desirable to carry out and comply with the provisions of this Resolution, subject to the limitations set forth in the Act and any limitations set forth in this Resolution. If any officer whose signature or a facsimile of his signature appears on the Bonds or any of the aforesaid documents ceases to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

SEC. 8. AND BE IT FURTHER RESOLVED, That, as permitted by the Act, the Bonds either may be sold at a private (negotiated) sale, at par or at such other prices as the Board of Finance or the Mayor deems appropriate, or may be sold at a public sale, at par, above par or below par, in either or both of which events, the Bonds shall be sold in such manner, at such times, and upon such terms and conditions as the Board of Finance or the Mayor deems to be in the best interest of the City.

SEC. 9. AND BE IT FURTHER RESOLVED, That prior to the issuance, sale and delivery of the Bonds, the Board of Finance by a resolution or resolutions, or the Mayor by executive order or otherwise:

9.1. Shall prescribe the form, tenor, terms and conditions of and security for the Bonds;

9.2. Shall prescribe the principal amount, rate or rates of interest, denomination or denominations, date, maturity or maturities (within the limits prescribed by the Act and the Code), for the Bonds;

9.3. May appoint a trustee or trustees, a bond registrar and a paying agent or agents for the Bonds;

9.4. Shall approve the form and contents of, and the execution and delivery of (where applicable), the Loan Agreement, and such documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guarantees and security instruments to which the City is, or may become a party or beneficiary and which may be necessary or desirable to effectuate the issuance, sale and delivery of the Bonds;

9.5. Shall determine the time of execution, issuance, sale and delivery of the Bonds, and prescribe any and all other details of the Bonds;

9.6. Shall determine the method, and approve the terms, of the sale of the Bonds, as provided in Section 8 of this Resolution;

9.7. Shall provide for the direct payment by the Borrower of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds, including (without limitation) costs of printing (if any) and issuing the Bonds, legal expenses (including the fees of bond counsel) and the

compensation to any person (other than full-time employees of the City) performing services by or on behalf of the City in connection therewith;

9.8. May provide for the issuance and sale (subject to the passage at the time of the appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

9.9. May provide for the funding of reserves for the Bonds and for the payment of interest on the Bonds in such amounts, or for such period, as the Board of Finance or the Mayor deems reasonable; and

~~9.10. May provide for the execution and delivery on behalf of the City of such supplements, modifications or amendments to the City Lease as may be deemed necessary or desirable in connection with the issuance of the Bonds, subject only to the limitation that the rent payable by the City in any year under the City Lease shall not be increased as a result of any such supplement, modification or amendment.~~

~~9.11.~~ 9.10. May specify, prescribe, determine, provide for or approve such other matters, details, forms, documents or procedures and do any and all things necessary or appropriate for the authorization, sale, security, issuance, delivery or payment of or for the Bonds and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 10. BE IT FURTHER RESOLVED, That the Board of Finance is hereby authorized and empowered to adopt one or more resolutions from time to time, either before or after the issuance, sale and delivery of the Bonds, to supplement the resolution or resolutions referred to in the provisions of Section 9 hereof, and the Mayor is hereby authorized and empowered, by executive order or otherwise, either before or after the issuance, sale and delivery of the Bonds, to supplement the executive order referred to in the provisions of Section 9 hereof, and thereby approve amendments or supplements to or substitutes for the forms and provisions of Bonds, the Loan Agreement, any trust agreement or similar agreements and all other documents approved by such resolution or resolutions or executive order or executive orders, provided that each supplemental resolution or supplemental executive order and each such amendment, supplement or substitute shall be in

accordance with the provisions of the Act, this Resolution and the documents executed in connection with the Bonds and then in effect.

SEC. 11. AND BE IT FURTHER RESOLVED, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provisions, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof is inapplicable had been specifically exempted herefrom.

SEC. 12. AND BE IT FURTHER RESOLVED, That either the Bonds or any bond anticipation notes must be issued and sold and within six (6) months from the date on which this Resolution is approved by the Mayor, provided, however, that (a) the Mayor, by executive order or otherwise, after a showing of good cause, prior to or after the expiration of such six month period, or (b) the Board of Finance, after showing of good cause at a public hearing held before the Board of Finance prior to or after the expiration of such six month period, may extend the period during which either the Bonds or any notes in anticipation thereof may be issued and sold for one additional term not exceeding six (6) months from the date on which the first six month period expires. The Board of Finance or Mayor shall have sole and absolute discretion without action by the City Council of the City to determine the sufficiency or lack of sufficiency of any reason, if any is given, for the requested extension for the first six month period. If an extension is granted, notice of such extension and the reasons therefore must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twelve (12) months from the date on which this Resolution is approved by the Mayor, the authority provided in this Resolution for the City to issue and sell the bonds and any bond anticipation notes shall expire; provided, however, that the expiration of the authority to issue the Bonds, contained in this Resolution, shall not affect the present intent of the City to issue the Bonds, as described in Section 2 hereof.

SEC. 13. AND BE IT FURTHER RESOLVED, That this Resolution shall take effect on the date of its enactment.

Approved January 26, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

RESOLUTION NO. 11

(Council Bill No. 436)

A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS
(CANTON HOUSE LIMITED PARTNERSHIP PROJECT) - \$1,140,000

FOR the purpose of authorizing and empowering the Mayor and City Council of Baltimore (the "City") to issue and sell, at any time or from time to time, and in one or more series, as limited obligations and not upon its full faith and credit or pledge of its taxing power, its economic development revenue bonds, in the aggregate principal amount not to exceed One Million One Hundred Forty Thousand and 00/100 Dollars (\$1,140,000.00) pursuant to and in accordance with the Maryland Economic Development Revenue Bond Act, Sections 14-101 to 14-109, inclusive, of Article 41 of the Annotated Code of Maryland (1990 Replacement Volume and 1991 Supplement), for the purposes of refunding the outstanding Baltimore City, Maryland Industrial Development Revenue Bonds (Canton House Limited Partnership Project), 1984 Series, which bonds were issued and sold to finance the acquisition and renovation of an office building at 300 Water Street, Water and South Streets, in Baltimore City, and paying certain other costs in connection therewith to the extent permitted under the Act (including, without limitation, costs of issuance of the revenue bonds); making certain legislative findings; reserving in the City certain rights concerning the issuance of such bonds; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions, and the Mayor, by executive order or otherwise, whether before or after the issuance, sale and delivery of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such economic development revenue bonds and (b) do any and all things necessary, proper or

expedient in connection with the issuance and sale of such bonds; providing that such bonds or bond anticipation notes issued in anticipation of the issuance of the Bonds must be issued and sold within twelve months from the date this resolution is approved by the Mayor, unless the Board of Finance or the Mayor approves one twelve-month extension as provided in this Resolution; authorizing the issuance of notes in anticipation of the issuance of such bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 14-101 to 14-109, inclusive, of Article 41 of the Annotated Code of Maryland (1990 Replacement Volume and 1991 Supplement) (the "Act"), provides that in order to accomplish the legislative policy of the Act, the Mayor and City Council of Baltimore (the "City") and any other public body (as defined in the Act) may issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its full faith and credit or pledge of its taxing power, at any time or from time to time, in one or more series, for the purposes of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable. The powers granted to the City by the Act are for the legislative purposes of (i) relieving conditions of unemployment in the State of Maryland (the "State") and in Baltimore City, (ii) encouraging the increase of industry and commerce and a balanced economy in the State and in Baltimore City, (iii) assisting in the attraction of existing industry and commerce and in the attraction of new industry and commerce in the State and in Baltimore City, (iv) promoting economic development in the State and in Baltimore City, and (v) promoting the general health, welfare and safety of the residents of the State and Baltimore City.

On December 28, 1984, the City issued and sold its Baltimore City, Maryland Industrial Development Revenue Bonds (Canton House Limited Partnership Project), 1984 Series, in the aggregate principal amount of One Million Two Hundred Fifty Thousand and 00/100 Dollars (\$1,250,000) (the "Prior Bonds") and loaned the proceeds

thereof to Canton House Limited Partnership, an affiliate of the Cordish Company (the "Borrower"), for the purpose of financing the acquisition and renovation of a five-story office building known as the "Canton House", which is located at 300 Water Street, at the corner of South Street, in Baltimore City (the "Facility").

The Prior Bonds were issued under a Loan Agreement dated as of December 28, 1984 between the City and the Borrower and an Assignment and Security Agreement, dated as of December 28, 1984, between the City and Equitable Bank, National Association, and pursuant to (a) the Act, (b) Ordinance No. 47 of the 1984 Legislative Session of the City, passed by the City Council of the City on April 17, 1984 and approved by the Mayor of the City (the "Mayor") on April 19, 1984, and (c) a resolution of the Board of Finance of the City adopted on July 13, 1984.

The Facility constitutes and is operated by the Borrower as a five-story office building containing approximately 15,000 square feet of usable space located at the corner of South and Water Streets, together with (i) necessary or desirable equipment, tenant improvements, fixtures and machinery, (ii) the land site and interests in land necessary or desirable for the Facility, together with roads or other rights of access, utilities and other necessary or desirable facilities, and (iii) all improvements, modifications and additions to all or any portion of the Facility. Portions of the Facility are currently leased by the Borrower to Edgewater Partnership Limited Partnership, an affiliate of The Cordish Company.

The City has received a letter of intent dated November 25, 1992 (the "Letter of Intent") from the Borrower, pursuant to which the Borrower has requested the City to issue and sell its economic development revenue bonds, as its limited obligations and not upon its full faith and credit or pledge of its taxing power, at any time or from time to time and in one or more series, in an aggregate principal amount not to exceed One Million One Hundred Forty Thousand and 00/100 Dollars (\$1,140,000.00) (the "Bonds"), pursuant to and in accordance with the Act, for the purpose of refunding the outstanding Prior Bonds, including the payment of all accrued and unpaid interest and redemption premiums, if any, on the Prior Bonds, and paying certain other costs in connection therewith to the extent permitted under the Act (including, without limitation, costs of issuance of the Bonds and payment of an administrative fee).

The Letter of Intent expresses the Borrower's intention that the interest payable on the portion of the Bonds issued to pay the outstanding principal of the Prior Bonds shall be exempt from Federal Income Taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), and the Borrower represents in the Letter of Intent that such Bonds will not be subject to the City's volume cap pursuant to Section 146(i) of the Code. The Letter of Intent expresses the Borrower's intention that the interest payable on the remainder of the Bonds will not be exempt from federal income taxation. The Borrower acknowledges in the Letter of Intent that the City reserves certain rights concerning the issuance of the Bonds as provided in Section 6 hereof.

The City, based upon the findings and determinations set forth below, has determined to issue, sell and deliver, at any time or from time to time and in one or more series, its Bonds in an aggregate principal amount not to exceed One Million One Hundred Forty and 00/100 Dollars (\$1,140,000.00), and to lend the proceeds of the Bonds for the benefit of the Borrower upon the terms and conditions of one or more loan or financing agreements to be entered into between the City and the Borrower (and any other parties necessary to implement and consummate the transaction), such proceeds to be used by the Borrower to refund the Prior Bonds and pay such other costs as may be permitted by the Act and agreed to by the City (including, without limitation, costs of issuance of the Bonds).

The Act provides that the City may authorize and empower the Board of Finance of the City (the "Board"), by resolution, or the Mayor, by executive order or otherwise, to determine and set forth the form, terms, provisions, manner, or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds; now, therefore, in accordance with the Act:

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That acting pursuant to the Act it is hereby found and determined as follows:

1.1. The Borrower is a "facility applicant" and a "facility user" within the meaning of the Act; the Facility is a "facility" within the meaning of the Act; and this Resolution is a "resolution" within the meaning of the Act.

1.2. The acquisition of the Facility and the financing thereof has promoted, and the refunding of the Prior Bonds and payment of other costs authorized herein will continue to promote the declared legislative purposes of the Act by (a) relieving conditions of unemployment in the State and in Baltimore City; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in Baltimore City; (c) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State and in Baltimore City; (d) promoting economic development; and (e) generally promoting the health, welfare and safety of the residents of the State and Baltimore City.

1.3. The Bonds and the interest thereon will be limited obligations of the City and the principal of, premium, if any, and interest thereon shall be payable solely from the revenues received in connection with the financing of the Facility or from any other monies made available to the City for such purpose. Any bond anticipation notes shall also be payable from the proceeds of the Bonds in anticipation of which such notes were issued. Neither the Bonds nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and neither shall constitute or give rise to any pecuniary liability of the City.

1.4. Neither the proceeds of the Bonds nor the payments of the principal of, premium, if any, and interest on the Bonds will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to limited supervision and the City shall retain only those rights as are deemed necessary or desirable by the City to ensure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Resolution. The transactions provided for hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use.

SEC. 2. AND BE IT FURTHER RESOLVED, That this Resolution, among other things, evidences the present intent of the City to issue, sell and deliver the Bonds in accordance with the terms and provisions of the Resolution. The Mayor is hereby authorized, empowered and directed to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue and sell the Bonds in accordance with the terms and provisions of the Resolution.

SEC. 3. AND BE IT FURTHER RESOLVED, That the City is hereby authorized and empowered to issue, sell and deliver the Bonds, at any time or from time to time in one or more series, in an aggregate principal amount not to exceed One Million One Hundred Forty Thousand and 00/100 Dollars (\$1,140,000.00), subject to the provisions of this Resolution. For the purposes of applying the foregoing limitation in the event that any refunding bonds or bonds issued to repay bond anticipation notes are issued, the outstanding principal amount of any bonds or bond anticipation notes, respectively, provisions for the payment of which have been made from the proceeds of such refunding bonds or such bonds, respectively, or from other sources, shall not be taken into account when determining the aggregate principal amount of bonds issued sold and delivered pursuant to this Resolution.

SEC. 4. AND BE IT FURTHER RESOLVED, That the Bonds shall mature on December 1, 2008.

SEC. 5. AND BE IT FURTHER RESOLVED, That the City will lend the proceeds of the Bonds to the Borrower pursuant to the terms and provisions of one or more loan agreements (within the meaning of the Act) or financing agreements (the "Loan Agreement"), to be used by the Borrower for the purpose of refunding the Prior Bonds and paying such other costs as may be permitted by the Act and agreed upon by the City (including, without limitation, costs of issuance of the Bonds). The Loan Agreement will provide that the Borrower will make payments which will be sufficient to enable the City to pay the principal of, premium, if any, and interest on the Bonds when and as the same become due and payable.

SEC. 6. AND BE IT FURTHER RESOLVED, That the City reserves the right, and in its sole and absolute discretion, to take any action deemed necessary by the City in order to ensure that the City (a) complies with present federal and state laws and any pending of future federal or state legislation, whether proposed or enacted, which may affect or restrict the issuance of the Bonds, and (b) issues its bonds, within the limits imposed by any such laws, or any such pending or future legislation or any future local laws, to finance or refinance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, the City reserves the right to choose to issue its bonds (within the meaning of the Act and any present or future state or local laws) in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 6, the City reserves the right in its sole and absolute discretion to, among other things, (a) never issue the Bonds, (b) issue only a portion of the aggregate principal amount of the Bonds requested by the Borrower, (c) restrict the use of the proceeds of the Bonds, (d) subject to Section 12 hereof, delay the issuance of the Bonds, or (e) take any other actions deemed necessary by the City, in its sole and absolute discretion, in order to ensure that the City achieves the goals set forth in the preceding paragraph.

SEC. 7. AND BE IT FURTHER RESOLVED, That the Bonds shall be executed in the name of the City and on its behalf by the Mayor by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian or Alternate Custodian of the City Seal by her manual or facsimile signature. The Mayor, the Director of Finance of the City, the Custodian or Alternate Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and to execute, acknowledge, enseat and deliver on behalf of the City such documents and certificates, including (without limitation) the Loan Agreement, as the Board of Finance or the Mayor may determine to be necessary or desirable to carry out and comply with the provisions of this Resolution, subject to the limitations set forth in the Act and any limitations set forth in this Resolution. If any officer whose signature or a facsimile of his signature appears on the Bonds or any of the aforesaid documents ceases to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

SEC. 8. AND BE IT FURTHER RESOLVED, That, as permitted by the Act, the Bonds either may be sold at a private (negotiated) sale, at par or at such other prices as the Board of Finance or the Mayor deems appropriate, or may be sold at a public sale, at par, above par or below par, in either or both of which events, the Bonds shall be sold in such manner, at such times, and upon such terms and conditions as the Board of Finance or the Mayor deems to be in the best interest of the City.

SEC. 9. AND BE IT FURTHER RESOLVED, That prior to the issuance, sale and delivery of the Bonds, the Board of Finance by a resolution or resolutions, or the Mayor by executive order or otherwise:

9.1. Shall prescribe the form, tenor, terms and conditions of and security for the Bonds;

9.2. Shall prescribe the principal amount, rate or rates of interest, denomination or denominations, date, maturity or maturities (within the limits prescribed by the Act and the Code), for the Bonds;

9.3. May appoint a trustee or trustees, a bond registrar and a paying agent or agents for the Bonds;

9.4. Shall approve the form and contents of, and the execution and delivery of (where applicable), the Loan Agreement, and such documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guarantees and security instruments to which the City is, or may become a party or beneficiary and which may be necessary or desirable to effectuate the issuance, sale and delivery of the Bonds;

9.5. Shall determine the time of execution, issuance, sale and delivery of the Bonds, and prescribe any and all other details of the Bonds;

9.6. Shall determine the method, and approve the terms, of the sale of the Bonds, as provided in Section 8 of this Resolution;

9.7. Shall provide for the direct payment by the Borrower of all reasonable costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds, including (without limitation) costs of printing (if any) and issuing the Bonds, legal expenses (including the fees of bond counsel) and the compensation to any person (other than full-time employees of the City) performing services by or on behalf of the City in connection therewith;

9.8. May provide for the issuance and sale (subject to the passage at the time of the appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

9.9. May provide for the funding of reserves for the Bonds and for the payment of interest on the Bonds in such amounts, or for such period, as the Board of Finance or the Mayor deems reasonable; and

9.10. May specify, prescribe, determine, provide for or approve such other matters, details, forms, documents or procedures and do any and all things necessary or appropriate for the authorization, sale, security, issuance, delivery or payment of or for the bonds and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 10. BE IT FURTHER RESOLVED, That the Board of Finance is hereby authorized and empowered to adopt one or more resolutions from time to time, either before or after the issuance, sale and delivery of the Bonds, to supplement the resolution or resolutions referred to in the provisions of Section 9 hereof, and the Mayor is hereby authorized and empowered, by executive order or otherwise, either before or after the issuance, sale and delivery of the Bonds, to supplement the executive order referred to in the provisions of Section 9 hereof, and thereby approve amendments or supplements to or substitutes for the forms and provisions of Bonds, the Loan Agreement, any trust agreement or similar agreements and all other documents approved by such resolution or resolutions or executive order or executive orders, provided that each supplemental resolution or supplemental executive order and each such amendment, supplement or substitute shall be in accordance with the provisions of the Act, this Resolution and the documents executed in connection with the Bonds and then in effect.

SEC. 11. AND BE IT FURTHER RESOLVED, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof is inapplicable had been specifically exempted herefrom.

SEC. 12. AND BE IT FURTHER RESOLVED, That either the Bonds or any bond anticipation notes must be issued and sold and within twelve (12) months from the date on which this Resolution is approved by the Mayor, provided, however, that (a) the Mayor, by executive order or otherwise, after a showing of good cause, prior to or

after the expiration of such twelve (12) month period, or (b) the Board of Finance, after showing of good cause at a public hearing held before the Board of Finance prior to or after the expiration of such twelve (12) month period, may extend the period during which either the Bonds or any notes in anticipation thereof may be issued and sold for one additional term not exceeding twelve (12) months from the date on which the first twelve (12) month period expires. The Board of Finance or Mayor shall have sole and absolute discretion without action by the City Council of the City to determine the sufficiency or lack of sufficiency of any reason, if any is given, for the requested extension for the first twelve (12) month period. If an extension is granted, notice of such extension and the reasons therefore must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twenty-four (24) months from the date on which this Resolution is approved by the Mayor, the authority provided in this Resolution for the City to issue and sell the bonds and any bond anticipation notes shall expire; provided, however, that the expiration of the authority to issue the Bonds, contained in this Resolution, shall not affect the present intent of the City to issue the Bonds, as described in Section 2 hereof.

SEC. 13. AND BE IT FURTHER RESOLVED, That this Resolution shall take effect on the date of its enactment.

Approved January 26, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

RESOLUTION NO. 12

(Council Bill No. 246)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

VACANT HOUSES

FOR the purpose of requesting the Commissioner of the Department of Housing and Community Development to submit annually a Vacant House Status Report and to implement certain recommendations.

WHEREAS, A "vacant house", as defined by city law, is a house unoccupied and unfit for human habitation; and

WHEREAS, Vacant houses are incubators for illegal drug activities, rodent infestations, and other problems that blight the neighborhoods, thus constituting a serious threat to public health, safety, and welfare; and

WHEREAS, As of May 18, 1992 there were approximately 6,300 vacant houses scattered in neighborhoods throughout the city, and many of these houses have been vacant for years, untended and deteriorating; and

WHEREAS, The need to remove this menace to our community is urgent; now, therefore, be it

RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council hereby requests the Commissioner of the Department of Housing and Community Development to review the Vacant House Inventory and submit to the City Council by ~~November 1, 1992~~ February 1, 1993 a Vacant House Status Report that will include the following: information concerning the current condition of the property; a recommendation of the most appropriate disposition of each parcel in the Inventory, whether the parcel is privately owned or owned by the city and, if the parcel is privately owned, the name and mailing address of the owner; and be it further

RESOLVED, That the Mayor and City Council requests the Commissioner to submit a Vacant House Status Report annually, on or before ~~November~~ September 1 of each year; and be it further

RESOLVED, That the Mayor and City Council requests the Commissioner to invite private citizens and neighborhood and community associations to bring to the attention of the Department of Housing and Community Development any dwellings or dwelling units that are vacant and any that are unoccupied and likely to become vacant; and be it further

RESOLVED, That the Mayor and City Council urges the Commissioner to proceed without delay to utilize all appropriate enforcement procedures and resources to implement any recommended demolition of vacant dwellings.

Approved March 1, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

RESOLUTION NO. 13

(Council Bill No. 286)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

HOUSING CODE - INFORMATION TO PROPERTY OWNERS

FOR the purpose of recommending that the Commissioner of Housing and Community Development, in cooperation with the Greater Baltimore Board of Realtors, inform all new owners of residential real estate of their responsibilities under the Baltimore City Housing Code.

WHEREAS, Housing codes or ~~their equivalent~~ minimum livability codes are mandated by State law for every jurisdiction in Maryland for the purpose of protecting public health, safety, and welfare and to prevent neighborhood blight and decay; and

WHEREAS, The Baltimore City Housing Code provides minimum standards for all dwellings in the City, whether owner-occupied or tenant-occupied; specifies responsibilities of tenants and landlords; and contains registration and licensing requirements for rental units; and

WHEREAS, Many owners of residential property are unaware of the requirements of the Housing Code; now, therefore, be it

RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council hereby requests the Commissioner of Housing and Community Development, in cooperation with the Greater Baltimore Board of Realtors, to utilize an appropriate time or place in the residential real estate ownership transfer procedure to inform each new owner of responsibilities under the Housing Code.

Approved March 1, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

RESOLUTION NO. 14

(Council Bill No. 287)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

PUBLIC HOUSING - FEDERAL REQUIREMENTS

FOR the purpose of requesting the Secretary of the U.S. Department of Housing and Urban Development to provide a measure of flexibility concerning replacement units for public housing.

WHEREAS, Current federal regulations require that the replacement units for public housing units undergoing renovation or removal so closely match the units being replaced that it is often impossible to find an acceptable replacement, with the result that needed improvements to public housing are delayed or cancelled; and

WHEREAS, Public housing residents and the community would benefit if adequate, although not identical, replacement units could be used; now, therefore, be it

RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council request the Secretary of the U.S. Department of Housing and Urban Development to provide a measure of flexibility concerning replacement units for public housing.

Approved March 1, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

RESOLUTION NO. 15

(Council Bill No. 288)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

SANITARY MAINTENANCE OF DWELLINGS
EDUCATION OF OCCUPANTS

FOR the purpose of requesting the Commissioner of Housing and Community Development and the Director of Public Works to institute a program of classes or clinics to provide information to residents of the City concerning proper maintenance of their dwellings, comprehensive approach to educating the citizens of Baltimore, both owners and occupants, about the proper maintenance of dwellings, such approach to include a program of classes or clinics.

WHEREAS, Throughout the City there are many neglected and poorly cared for dwellings and dwellings units which have fallen far below the standards set by the Housing Code, standards which are essential for the prevention of blight and decay and for the safeguarding of public health, safety, and general welfare; and

WHEREAS, Some owners and some occupants of dwellings, ~~whether tenants or owner-occupants,~~ are unaware of what the law requires of them, and some lack practical knowledge of how to properly maintain their residences; and

WHEREAS, The Department of Housing and Community Development has in the past sponsored classes and clinics for City residents who needed information and help to properly maintain their dwelling units in compliance with Code requirements; and

WHEREAS, These programs were beneficial to the residents and to their neighborhoods ~~and were also used by the judges in Rent Court and Housing Court as a resource for referral;~~ and

WHEREAS, These programs were also useful to judges in Rent Court and Housing Court as a resource for referral and should again be made available as a sentencing option; and

WHEREAS, At present there is no City-sponsored program to educate residents about proper maintenance of the property under their control; now, therefore, be it

RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council hereby requests the Commissioner of Housing and Community Development and the Director of Public Works to institute a program of classes or clinics to provide information to City residents concerning the proper maintenance of their dwellings comprehensive approach to educating the citizens of Baltimore, both owners and occupants, about the proper

maintenance of dwellings, such approach to include a program of classes or clinics for which a person referred by a court may be charged a fee; and be it further

RESOLVED, That the Mayor and City Council requests the Commissioner of Housing and Community Development and the Director of Public Works to invite the cooperation of the ~~Department of Public Works and Health Department~~, the Department of Education, and the private sector in planning and implementing this program.

Approved March 1, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

RESOLUTION NO. 16

(Council Bill No. 289)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

RESIDENTIAL SANITARY MAINTENANCE - CITIZEN INSPECTORS

FOR the purpose of requesting the Commissioner of Housing and Community Development to expand and strengthen the program of Citizen Inspectors.

WHEREAS, Individual residents and neighborhood associations throughout the City are frustrated by the failure of some City dwellers to maintain their property in a sanitary condition as required by the Housing Code; and

WHEREAS, A small number of Citizen Inspectors have been trained and are currently authorized to issue notices for certain Code violations; and

WHEREAS, An expanded corps of trained, vigorous Citizen Inspectors would substantially benefit the neighborhoods by educating and motivating those residents who do not comply with Code standards; now, therefore, be it

RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council hereby requests the Commissioner of Housing and Community Development to expand and strengthen the program of Citizen Inspectors, and to invite and encourage community participation in this project.

Approved March 1, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

RESOLUTION NO. 17

(Council Bill No. 361)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning
BALTIMORE CITY FOREST CONSERVATION MANUAL

FOR the purpose of adopting the Baltimore City Forest Conservation Manual; providing for the severability of the various parts and applications of this manual; and providing for an effective date hereof.

WHEREAS, The State of Maryland, as set forth in the Natural Resources Article 5-1603, Annotated Code of Maryland (1989 Replacement Volume, 1992 Cum. Supp.), requires the City of Baltimore to adopt a forest conservation program, including a technical manual outlining submittal requirements for forest stand delineations, required information for the approval of a forest conservation plan, specific forest conservation criteria, and protection techniques; and

WHEREAS, The technical manual of Baltimore City consists of the State of Maryland Department of Natural Resources Forest Conservation Manual as supplemented and amended by the Baltimore City Forest Conservation Manual of 1992, revised December 7, 1992; and

WHEREAS, Acting on behalf of the City of Baltimore, the Department of Planning has prepared this manual; and

WHEREAS, The public hearing as required by the State has been held; now, therefore, be it

RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Baltimore City Forest Conservation Manual of 1992, revised December 7, 1992 be and the same is hereby approved and adopted on and from the date of the acceptance and passage of this Resolution; and be it further

RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this manual, or the application thereof to any person or circumstances, is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this manual without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof, so held invalid.

Approved March 1, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

RESOLUTION NO. 18

(Council Bill No. 480)

A RESOLUTION concerning

INDUSTRIAL DEVELOPMENT AUTHORITY LOAN
QUARANTINE ROAD/CELL NO. 6

FOR the purpose of approving a loan or series of loans to be made by the Industrial Development Authority of the Mayor and City Council of Baltimore (the "Authority") to the Mayor and City Council of Baltimore (the "City") in connection with the financing or refinancing of a facility described below.

RECITALS

WHEREAS, Resolution No. 92 of the City Council, approved on August 26, 1986, provided that the Authority shall finance or refinance such facilities that have been approved in a resolution of the City Council; and

WHEREAS, Resolution No. 8 of the City Council, approved on June 29, 1988, provided that any project or program approved for funding by the City Council in the annual Ordinance of Estimates for any year, or in any supplemental appropriation ordinance, is also approved for funding through the Authority; and

WHEREAS, The City Council wishes to approve the financing of the Facility (as hereinafter defined) which will be in addition to the facilities previously approved for funding through the Authority by prior resolutions of the City Council, the annual Ordinance of Estimates, or by any supplemental appropriation ordinance; and

WHEREAS, Ordinance No. 44 passed by the City Council on June 2, 1992 and approved by the Mayor on June 10, 1992, has approved the financing of the Facility, among others, from the proceeds of certain City waste obligations described in such Ordinance; and

WHEREAS, The City Council believes that it will be in the best economic interests of the City to change the method of financing of the Facility and have it funded through the Authority rather than through the proceeds of the solid waste obligations issued pursuant to the above Ordinance; now, therefore,

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Authority provide a loan or a series of loans to the City in connection with the financing of all or part of a facility known as Cell No. 6 at Quarantine Road Sanitary Landfill (the "Facility"), such loans not to exceed Twenty Five Million Dollars (\$25,000,000) in the aggregate.

SEC. 2. AND BE IT FURTHER RESOLVED, That the foregoing approval shall constitute approval for the use of the proceeds of such loan or loans to finance or refinance the construction, renovation, purchase or other financing of the Facility and to pay related costs, including (without limitation) the expenses of issuing the loan, the funding of any reserves in connection with the loan, payment of interest on the loan and the payment of principal or interest on previous indebtedness issued with respect to the financing of the Facility, all to the fullest extent and within the limits prescribed by applicable law.

SEC. 3. AND BE IT FURTHER RESOLVED, That this resolution shall take effect on the date of its enactment.

Approved April 8, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

RESOLUTION NO. 19

(Council Bill No. 586)

A RESOLUTION concerning

MARYLAND INDUSTRIAL DEVELOPMENT FINANCING AUTHORITY
REVENUE BONDS - BALTIMORE INTERNATIONAL
CULINARY COLLEGE FOUNDATION, INC.

FOR the purpose of approving the issuance and sale by the Maryland Industrial Development Financing Authority, pursuant to the Maryland Economic Development Revenue Bond Act and the Maryland Industrial Development Financing Authority Act, of one or more series of its limited obligation economic development revenue bonds in an aggregate principal amount not to exceed \$11,500,000 for the purpose of financing the costs of acquisition (as defined in such Acts) by Baltimore International Culinary College Foundation, Inc., a Maryland nonprofit corporation (the "Applicant"), of a certain facility (as defined in such Acts) located within the geographical boundaries and jurisdiction of Baltimore City, Maryland, which facility shall consist of and include (a) for the Commerce Building (i) the acquisition of a parcel of land located at 17 Commerce Street in Baltimore City, Maryland together with any and all improvements existing thereon, which improvements include and consist of a four-story masonry building with approximately 65,000 square feet of leasable space, (ii) the acquisition and installation of certain necessary or useful furniture, fixtures, equipment and machinery, and (iii) the acquisition of such other interests in land or improvements as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities, within the geographical boundaries and jurisdiction of Baltimore City, Maryland, and to be leased for a nominal rent on a net basis to The Baltimore International Culinary College, Inc., a Maryland nonprofit corporation (the "College"), as administrative offices, classrooms, faculty offices, library, admissions office, marketing office and other similar uses in its

business in furtherance of the mission of the College to provide to its students the education, training and experience necessary to pursue careers in the food service and hospitality industry, and (b) for the Franklin Building (i) the acquisition of a parcel of land containing approximately 16, 119 square feet located at 24 West Franklin Street, in Baltimore City, Maryland together with any and all improvements existing thereon, which improvements include and consist of a nine-story masonry building containing approximately 122,700 square feet, (ii) the acquisition and installation of certain necessary or useful furniture, fixtures, equipment and machinery, and (iii) the acquisition of such other interests in land or improvements as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities, within the geographical boundaries of Baltimore City, and to be used by the Applicant to provide facilities and support to the College by making available dormitory rooms to students of the College and permitting the College to operate a training facility in furtherance of the College's mission; specifying and describing such facility; generally describing the public purpose to be served by such facility; specifying and describing various matters in connection therewith; and relating generally thereto.

RECITALS

The Maryland Industrial Development Financing Authority Act (the "MIDFA Act"), provides that in order to accomplish the purposes of the MIDFA Act, the Maryland Industrial Development Financing Authority (the "Authority"), on behalf of the State of Maryland (the "State"), may issue and sell bonds as provided in and in accordance with the Maryland Economic Development Revenue Bond Act (the "Revenue Bond Act"). The MIDFA Act and the Revenue Bond Act are herein sometimes collectively referred to as the "Acts." The MIDFA Act further provides that the Authority may accomplish the acquisition of one or more facilities from the proceeds of the sale of its bonds by one or more of the methods described in the Revenue Bond Act.

Section 13-138(e) of the MIDFA Act provides that prior to the issuance and sale of bonds by the Authority, the legislative body of the county or municipality in which the facility (as defined in the Acts) to be financed with the proceeds of the bonds is to be located shall adopt a resolution which shall (a) be administrative in nature, not subject to the procedures required for legislative acts and not subject to referendum,

(b) specify and describe the facility, and (c) generally describe the public purpose to be served by the facility.

Baltimore International Culinary College Foundation, Inc., a Maryland nonprofit corporation (the "Applicant"), has requested Mayor and City Council of Baltimore, a body politic and corporate and a political subdivision of the State and a county and a public body within the meaning of the Acts (the "City"), to approve the issuance by the Authority of its bonds in an aggregate principal amount not to exceed \$11,500,000 to provide for the financing of the costs of acquisition by the Applicant of a certain facility located within the geographical boundaries and jurisdiction of the City (the "Facility") and more particularly described below.

The City has determined, based upon the findings and determinations hereinafter set forth, that it is in the best interests of the citizens of the City that the City approve the financing by the Authority of the costs of acquisition by the Applicant of the Facility by approving the issuance and sale by the Authority, pursuant to the Acts, at any time and from time to time, of one or more series of its limited obligation economic development revenue bonds in an aggregate principal amount not to exceed \$11,500,000.

NOW, THEREFORE, PURSUANT TO AND IN ACCORDANCE WITH THE ACTS:

SECTION 1. BE IT RESOLVED BY MAYOR AND CITY COUNCIL OF BALTIMORE, That all words and terms used in this Resolution (including the Recitals set forth above) that are defined or used in the Acts shall have the meaning indicated in the Acts, unless the context clearly requires a contrary meaning.

SEC. 2. AND BE IT FURTHER RESOLVED, That the Facility shall consist of and include (a) for the Commerce Building (i) the acquisition of a parcel of land located at 17 Commerce Street in Baltimore City, Maryland together with any and all improvements existing thereon, which improvements include and consist of a four-story masonry building with approximately 65,000 square feet of leasable space, (ii) the acquisition and installation of certain necessary or useful furniture, fixtures, equipment and machinery, and (iii) the acquisition of such other interests in land or improvements as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities, within the geographical boundaries and jurisdiction of Baltimore City, Maryland, and to be

leased for a nominal rent on a net basis to The Baltimore International Culinary College, Inc., a Maryland nonprofit corporation (the "College"), as administrative offices, classrooms, faculty offices, library, admissions office, marketing office and other similar uses in its business in furtherance of the mission of the College to provide to its students the education, training and experience necessary to pursue careers in the food service and hospitality industry, and (b) for the Franklin Building (i) the acquisition of a parcel of land containing approximately 16, 119 square feet located at 24 West Franklin Street, in Baltimore City, Maryland together with any and all improvements existing thereon, which improvements include and consist of a nine-story masonry building containing approximately 122,700 square feet, (ii) the acquisition and installation of certain necessary or useful furniture, fixtures, equipment and machinery, and (iii) the acquisition of such other interests in land or improvements as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities, within the geographical boundaries of Baltimore City, and to be used by the Facility Applicant to provide facilities and support to the College by making available dormitory rooms to students of the College and permitting the College to operate a training facility in furtherance of the College's mission.

SEC. 3. AND BE IT FURTHER RESOLVED, That it is hereby found and determined that the Facility and the financial assistance to be provided by the Authority as described in this Resolution, will fulfill, accomplish and promote, the declared public purposes of the Acts, which are to (a) relieve conditions of unemployment in the State, (b) encourage the increase of industry and commerce and a balanced economy in the State, (c) assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State, (d) promote economic development in the State and (e) generally promote the health, welfare, and safety of the residents of each of the counties and municipalities of the State. Specifically, it is hereby found and determined that the financing of the costs of acquisition of the Facility by the Applicant will increase employment in the City by creating approximately 15 new jobs within three years, increase the enrollment of the College and enhance the programs of the College. Accordingly, it is in the interest of the public welfare of the citizens of the State and of the City that the City approve the issuance by the Authority of its bonds for the purpose of financing the costs of acquisition of the Facility.

SEC. 4. AND BE IT FURTHER RESOLVED, That the City hereby approves the issuance and sale by the Authority at any time and from

time to time of one or more series of its limited obligation economic development revenue bonds in an aggregate principal amount not to exceed \$11,500,000 (the "Bonds"), the proceeds of any series of which may be used by the Authority to make a loan to the Applicant, the proceeds of which loan shall be used by the Applicant to finance the costs of acquisition of the Facility.

SEC. 5. AND BE IT FURTHER RESOLVED, That (a) the Bonds, the interest thereon and the purchase price thereof will be limited obligations of the Authority, payable solely from revenues or moneys to be received by the Authority in connection with the financing of the costs of acquisition of the Facility or from any other funds provided therefor, (b) the Bonds will not constitute an indebtedness to which the faith and credit of the State, the Department of Economic and Employment Development of the State (the "Department"), the Authority, the City or any other public body is pledged, and (c) neither the Bonds nor the interest thereon nor the purchase price thereof shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the State, the Department, the Authority, the City or any other public body and none of the above shall ever constitute or give rise to any pecuniary liability of the State, the Department, the Authority, the City or any other public body.

SEC. 6. AND BE IT FURTHER RESOLVED, That the Bonds shall be authorized, issued, sold and delivered without direct or indirect cost to the City, and to that end, the Applicant shall pay all necessary expenses of preparing, printing, selling and issuing the Bonds and all other costs contemplated and permitted by the Acts, including, without limitation, any and all costs, fees and expenses (including, without limitation, any attorneys' fees) incurred by or on behalf of the City in connection with this Resolution or the publication of notices of any public hearings to be held in connection herewith, whether or not the proposed financing is consummated.

SEC. 7. AND BE IT FURTHER RESOLVED, That the passage of this Resolution shall not in any way indicate the approval of, or constitute any commitment for approval by, the City or any of its officers or employees of, any license, permit, application or any other request to the City with respect to the financing, zoning, construction, acquisition or operation of the Facility.

SEC. 8. AND BE IT FURTHER RESOLVED, That no further action by the City Council is necessary to effect the financing of the costs of acquisition of the Facility by the Applicant or the completion of the

transactions contemplated in this Resolution, including, without limitation, the issuance and sale of the Bonds.

SEC. 9. AND BE IT FURTHER RESOLVED, That, in accordance with Section 13-138(e) of the MIDFA Act, this Resolution is administrative in nature, not subject to the procedures required for legislative acts of the City and not subject to referendum.

SEC. 10. AND BE IT FURTHER RESOLVED, That this Resolution shall take effect on the date of its approval by the Mayor of the City.

Approved June 30, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

RESOLUTION NO. 20

(Council Bill No. 466)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning
CITY SERVICES FOR SPECIAL EVENTS

FOR the purpose of establishing an advisory board to ~~assist the Board of~~
Estimates in setting study, report on and make recommendations
concerning fees for the City services for special events sponsored
by non-profit organizations.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF
BALTIMORE, That there is hereby established an advisory board ~~whose~~
purpose is to assist the Board of Estimates in setting authorized to
study, report on and make recommendations concerning fees for the
City services provided for special events sponsored by non-profit
organizations. The five members of the board shall be: ~~the Police~~
~~Commissioner; the Director of Public Works; the Director of Finance;~~
~~and a representative from CPHA and from the Baltimore City Chamber~~
~~of Commerce, both of which shall be appointed by the Mayor.~~ be
appointed by the Mayor and shall include, to the extent practicable,
representatives of the Baltimore Police Department, the Department of
Public Works, the Department of Finance, the Citizens Planning and
Housing Association, and the Baltimore City Chamber of Commerce.

AND BE IT FURTHER RESOLVED, That the ~~function of the board is to recommend~~ advisory board shall study, and issue a report to be filed with the Department of Legislative Reference making recommendations concerning fees for the City services rendered to non-profit organizations for the parades, festivals and other special events occurring in the City. In recommending a fee for any given service, the board shall not only consider the dollar cost of the service, but the board shall also consider the benefits the City and its citizens receive in return. The board shall recognize that these special events contribute immeasurably to the quality of life in the City, that they add a sense of joy and fun to the everyday routine of its citizens, and that, in general, they have a positive effect on the community.

AND BE IT FURTHER RESOLVED, That the ~~board shall have the further duty of exploring alternative ways of supplying these~~ advisory board shall consider alternatives for providing services both by cooperative sharing of responsibilities among City agencies and by encouraging self-help actions by community non-profit groups.

Approved July 2, 1993

KURT L. SCHMOKE, Mayor

CITY OF BALTIMORE

RESOLUTION NO. 21

(Council Bill No. 597)

A RESOLUTION concerning

DEPARTMENT OF TRANSPORTATION
COUNTY TRANSPORTATION REFUNDING BONDS

FOR the purpose of authorizing the Mayor and City Council of Baltimore City to enter into a Participation Agreement with the Department of Transportation of Maryland for the purpose of securing the payment of the principal of and interest on County Transportation Revenue Refunding Bonds to be issued by the Department of Transportation of Maryland pursuant to Subtitle 5 of Title 3 of the Transportation Article of the Annotated Code of Maryland and Section 8-209 of the State Finance and Procurement Article of the Annotated Code of Maryland to be designated "Department of Transportation-County Transportation

Revenue Bonds - Refunding Series 1993," for the purpose of refunding certain County Transportation Bonds issued by the Department of Transportation of Maryland, in order to realize savings in the effective costs of debt service to the City and other participating counties; pledging the City's share of Highway User Revenues and certain other revenues to pay debt service on those bonds; and authorizing the officers of the City to take such further action as may be necessary and proper to consummate the issuance and sale of such refunding bonds.

WHEREAS, The Mayor and City Council of Baltimore (the "City") has participated in the proceeds of the sale of certain issues of County Transportation Bonds issued from time to time by the Department of Transportation of Maryland (the "Department"), and in connection therewith has entered into certain agreements with the Department as described in the form of proposed Participation Agreement attached hereto and made a part hereof; and

WHEREAS, The Department has determined that it would be in the public interest to refund the Third, Sixth, and Seventh Series and any other outstanding Series of the Department's County Transportation Bonds - First Issue (the "Outstanding Bonds") for the public purpose of realizing savings in the effective costs of debt service to the several counties of the State of Maryland which have participated in the proceeds of the Outstanding Bonds; and

WHEREAS, The Department proposes to issue and sell its Department of Transportation - County Transportation Revenue Bonds - Refunding Series 1993 (the "Refunding Bonds") in an aggregate principal amount which will be sufficient, together with other funds available therefor, for the purpose of refunding the Outstanding Bonds, such Refunding Bonds to be issued pursuant to Subtitle 5 of Title 3 of the Transportation Article of the Annotated Code of Maryland (as added by Chapter 539 of the Laws of Maryland of 1993) and Section 8-209 of the State Finance and Procurement Article of Annotated Code of Maryland; and

WHEREAS, The Department has submitted to the City for execution a proposed Participation Agreement in the form attached hereto and made a part hereof; and

WHEREAS, The Participation Agreement obligates the City to pay its proportionate share of debt service on the Refunding Bonds by

pledging for that purpose its share of Highway User Revenues under Subtitle 4 of Title 8 of the Transportation Article and, if necessary, to use other revenues of the City to pay debt service; and

WHEREAS, The City has determined that, in order to realize savings through a reduction in the effective costs of debt service, it would be in the public interest to enter into the proposed Participation Agreement with the Department, substantially in the form attached hereto and made a part hereof, for the purpose of securing the payment of the principal of and interest on the Refunding Bonds; now therefore

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the proposed Participation Agreement to be entered into between the City and the Department of Transportation of Maryland, in substantially the form attached hereto and made a part hereof, be and it is hereby approved; and that the Mayor is hereby authorized and directed to execute the proposed Participation Agreement on behalf of the City, in substantially the form attached hereto and made a part hereof, with such changes amendments, insertions, and supplements as he shall deem to be in the best interests of the City including but not limited to the refunding of additional outstanding Series of County Transportation Bonds, and his execution of the proposed Participation Agreement shall constitute conclusive evidence of his approval of the final form thereof.

SEC. 2. AND BE IT FURTHER RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and the Director of Finance are hereby authorized to take such other and further action as may be necessary and proper to consummate the transaction contemplated by the proposed Participation Agreement, including the issuance and sale by the Department of the Refunding Bonds.

SEC. 3. AND BE IT FURTHER RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That this Resolution shall take effect from the date of its enactment.

DEPARTMENT OF TRANSPORTATION OF MARYLAND
COUNTY TRANSPORTATION REVENUE BONDS
REFUNDING SERIES 1993

PARTICIPATION AGREEMENT

THIS PARTICIPATION AGREEMENT is made as of this _____ day of _____, 1993 by and between the DEPARTMENT OF TRANSPORTATION OF MARYLAND (the "Department") and _____ (the "Participant").

INTRODUCTION

Subtitle 5 of Title 3 of the Transportation Article of the Annotated Code of Maryland (added by House Bill No. 611 as passed by the General Assembly at its 1993 Session), authorizes the Department to issue County Transportation Revenue Bonds to finance the Participant's (and other counties') share of the cost of certain transportation facilities. County Transportation Revenue Bonds issued under Subtitle 5 are obligations of the Participant and the other participating counties and are not obligations of the State of Maryland or the Department. Section 3-519 of Subtitle 5 authorizes the Department to issue Revenue Refunding Bonds under that Subtitle to refund County Transportation Bonds previously issued under Subtitle 3 of Title 3 of the Transportation Article. The Department and the Participant have determined that it would be in the public interest to refund the third, sixth, seventh and eighth series of the Department's County Transportation Bonds - First Issue, for the public purpose of realizing savings in the effective costs of debt service to the Participant and the other counties which participated in those bond issues.

As required by Section 3-517 of Subtitle 5, the Department and the Participant have entered into this Participation Agreement to describe the source and nature of the revenues the Participant will pledge to repay the Revenue Refunding Bonds and to set forth the other relevant terms and conditions of the bond issue.

The Participant has previously entered into certain Agreements with the Department as more particularly described in Schedule A attached hereto and made a part hereof (collectively, the "Agreements"), in connection with the issuance and sale by the Department of County Transportation Bonds under Subtitle 3 of Title 3 of the Transportation

Article. The issued and outstanding bonds of issues of County Transportation Bonds referred to in Schedule A are herein collectively called the "Outstanding Bonds".

With respect to each of the Agreements, and the Outstanding Bonds to which it relates, the Department has, in accordance with such Agreement, on its books a separate account designated as a sinking fund for the security of the issue of Outstanding Bonds for which it was established. Each of the Agreements provides, among other things, that the Comptroller of the State of Maryland shall, during each fiscal year, beginning with the fiscal year in which the Outstanding Bonds of the particular issue were issued, withhold from Highway User Revenues allocated to, or held for the credit of, the Participant under Subtitle 4 of Title 8 of the Transportation Article of the Annotated Code of Maryland, as in effect from time to time, an amount equal to the Participant's share of the principal of and interest on the particular issue of the Outstanding Bonds in the current and next succeeding fiscal year.

The Department proposes to issue and sell its Department of Transportation - County Transportation Revenue Bonds, Refunding Series 1993 (the "Refunding Bonds") in an aggregate principal amount which will be sufficient, together with any other funds available therefor, for the purpose of refunding the Outstanding Bonds. The Refunding Bonds will be issued pursuant to Subtitle 5 of Title 3 of the Transportation Article of the Annotated Code of Maryland (added by House Bill No. 611, as passed by the General Assembly at its 1993 Session), and Section 8-209 of the State Finance and Procurement Article of the Annotated Code of Maryland (1988 Volume and 1993 Cumulative Supplement).

AGREEMENTS

In consideration of the premises and in accordance with applicable law, the parties hereto agree as follows:

1. The Refunding Bonds. Subject to the reservations set forth below, as soon as practicable after the date hereof, the Department will sell the Refunding Bonds in an aggregate principal amount sufficient, together with any other funds available therefor, to refund the Outstanding Bonds.

The Refunding Bonds shall be dated as of a date to be determined by the Department, shall bear interest payable semi-annually accounting from the date of the Refunding Bonds, shall mature

not later than 10 years after the date of their issue, shall bear interest at the rate or rates agreed upon by the purchasers of (or, in the case of a public sale, designated by the successful bidder for) the Refunding Bonds and accepted by the Secretary of Transportation of Maryland, and may be subject to prior redemption by the Department in the circumstances and at prices specified by it prior to issuance thereof and subject to the provisions of this Participation Agreement.

The obligation of the Department to issue any of the Refunding Bonds is subject to its absolute discretion to determine when and under what conditions the Refunding Bonds shall be issued, the form and contents thereof and of any official statement issued with respect thereto. The Department may, in its absolute discretion, determine not to issue and sell the Refunding Bonds. It is the purpose of these reservations that this Participation Agreement is at all times subject to the paramount need for preserving the security of the Refunding Bonds and to the requirement that the issuance of the Refunding Bonds will realize savings in the effective costs of debt service to the several counties of the State of Maryland, including Baltimore City, which have participated in the proceeds of any of the Outstanding Bonds.

2. Use of Proceeds. In the event that the Refunding Bonds are issued, then promptly after settlement therefor and delivery thereof, the Department will cause the proceeds to be applied as follows:

(a) there shall first be deducted from the proceeds and paid to the Department an amount to reimburse the Department for (1) all expenses incurred by the Department in connection with effecting the issuance of the Refunding Bonds, including, but not limited to, expenses of printing, advertising, delivery, and financial, administrative and legal fees, and (2) the Department's costs of administering the program established under Subtitle 5 of Title 3 of the Transportation Article to the extent that such costs are attributable to this issue of Refunding Bonds;

(b) the balance of the proceeds, together with any other funds available therefor, shall be used by the Department to purchase direct obligations of the United States of America (the "Government Obligations"), to be held in trust by an escrow agent designated by the Department (the "Escrow Agent"). The Government Obligations will mature at such time and in such amounts, and will bear interest payable at such times, and in such amounts, so that sufficient moneys will be available to pay, when due, all principal of and premium, if any, and interest on the Outstanding Bonds to and including their respective

maturities or dates of redemption. An Escrow Agent appointed by the Department will apply the maturing principal of and the interest on the Government Obligations to the payment of the Outstanding Bonds. Upon the issuance of the Refunding Bonds, adequate and complete provision will have been made for the timely payment of the principal of and interest on the Outstanding Bonds.

3. Refunding Bonds Are Obligations of the Participant. The Participant acknowledges and agrees that the Refunding Bonds are obligations of the Participant and the other participating counties. Neither the State of Maryland nor the Department is obligated to pay the principal of or interest on the Refunding Bonds. Neither the faith and credit nor the taxing power of the State of Maryland or the Department is pledged to the payment of the principal of or the interest on the Refunding Bonds.

4. Payment of the Bonds and Pledge of Highway User Revenues. The Participant hereby covenants and agrees that it will pay its proportionate share of the debt service due and payable on the Refunding Bonds so long as the Refunding Bonds are outstanding. Specifically, the Participant hereby pledges its share of Highway User Revenues under Subtitle 4 of Title 8 of the Transportation Article to the payment of the bonds. The Participant further authorizes the State Comptroller and the State Treasurer to withhold the Participant's share of Highway User Revenues and to pay the amount of such moneys necessary to pay debt service on the Refunding Bonds to the Department or to any trustee or other person designated for that purpose by the Department.

In the event that the Participant's share of Highway User Revenues is inadequate to provide for the payment of any installment of debt service due on the Refunding Bonds at any time, the Participant hereby covenants and agrees that it will pay any amount due from other revenues of the Participant lawfully available for such purpose.

The Participant hereby acknowledges and agrees that the Department may pledge or assign all or a portion of the Department's rights under this Participation Agreement to guarantee repayment of the Refunding Bonds.

5. Sinking Fund. To provide for the payment of the Refunding Bonds, the Department shall establish a separate account designated "County Transportation Revenue Bonds, Refunding Series 1993 Sinking Fund", or other appropriate designation (the "Sinking Fund"), to which

will be credited any accrued interest and premium received upon settlement for the Refunding Bonds. In the Department's discretion, the Sinking Fund may be held and maintained by the State Comptroller or by a trustee or other person designated for that purpose by the Department. Pursuant to the Participant's authorization granted under this Agreement, the Department will cause the State Comptroller to credit and transfer to the Sinking Fund the amounts withheld by him from distribution to the Participant as provided below.

The Comptroller shall withhold, during each fiscal year, from Highway User Revenues allocated to, or held for the credit of, the Participant under Subtitle 4 of Title 8 of the Transportation Article, an amount which is at least equal to the Participant's proportionate share of the debt service payable on the Refunding Bonds by the Department in the current fiscal year and in the next succeeding fiscal year (the "Participant's Refunding Bonds Debt Service Requirement"). All funds so allocated to, or held for the credit of, the Participant shall be so withheld until an amount which is at least equal to the Participant's Refunding Bonds Debt Service Requirement shall have been accumulated. In each fiscal year (or in the discretion of the Department, in the six-month period immediately preceding the beginning thereof) the Comptroller shall withhold from the funds allocated to, or held for the credit of, the Participant, the amount necessary to maintain in the Sinking Fund (exclusive of interest and increment, if any, on investments) an amount which is at least equal to the Participant's Refunding Bonds Debt Service Requirement.

The Participant hereby authorizes the Department to cause to be transferred to the Sinking Fund sums on deposit in sinking funds established by the Department in connection with any of the Outstanding Bonds to the extent that the Department determines such a transfer necessary in order to accomplish the purposes of this Participation Agreement.

In the event the Participant shall elect to pay its proportionate share of debt service, as set forth above, from the proceeds of taxes to be levied by it directly or other revenues, the Participant shall notify the Department and the Comptroller, in writing, not later than the first day of January in the calendar year in which the Participant proposes to make such payments and, upon receipt of such notice, the Comptroller shall not withhold in accordance with Section 5 hereof any of the Highway User Revenues allocated to, or held for the credit of, the Participant after the first day of July in such year, unless and until the Comptroller shall receive further written notice from the Participant so

to withhold, or unless and until the Comptroller shall receive written notice from the Department that the Participant has failed to make the necessary deposit into the Sinking Fund, at the times and in the amounts necessary to maintain it.

All payments on account of debt service payable on the Refunding Bonds by the Department shall be made from the Sinking Fund. The Department shall keep accurate records of the total deposits and disbursements credited and charged to the Sinking Fund, and of the deposits and disbursements made on behalf of the Participant.

In the event deposits to the Sinking Fund shall be continuously made as herein provided, the authority to withhold hereby conferred on the Comptroller shall terminate not later than the end of the fiscal year next preceding the fiscal year of the final maturity of the Refunding Bonds.

The Department shall have the right from time to time, in its discretion, to invest any and all monies credited to the Sinking Fund as provided in the Resolution. Any profit realized from such investment shall be credited to the Sinking Fund and any loss resulting from such investment shall be charged to the Sinking Fund.

The Participant shall be entitled to reimbursement of its proportionate share of any balance (after payment of all costs and fees in connection therewith) remaining in the Sinking Fund, after all of the Refunding Bonds shall have matured and been paid, or provision made for such payment.

6. Other Covenants and Representations by the Participant. The Participant further covenants and represents as follows:

(a) there are no liens upon, or pledges of, the Participant's share of Highway User Revenues allocated to, or held for the credit of, the Participant under Subtitle 4 of Title 8 of the Transportation Article prior or superior to the withholding for the purposes of this Participation Agreement, which impair or interfere with the withholdings;

(b) the Participant will not pledge any such revenues nor create or permit the creation of any liens thereon prior, superior, or equal to the commitments made by it hereunder, and will not do or suffer to be done any act or thing which will impair or interfere with the security of the Refunding Bonds or which will impair or interfere

with its ability or the ability of the Department, the Comptroller and the Treasurer, or any trustee to perform in accordance with the Agreements and this Participation Agreement;

(c) the Participant will comply fully with Subtitle 4 of Title 8 of the Transportation Article, as amended from time to time, including the requirement that the Participant certify to the State Highway Administration that it will use Highway User Revenues in compliance with all applicable laws; and

(d) by the issuance of the Refunding Bonds by the Department, no debt limit or referendum requirements will be exceeded or violated and the Participant's involvement in such bond issue will not require approval by its qualified voters.

7. Agreements for Benefits of Bondholders; Refunding Bonds Are Parity Bonds. It is hereby agreed that the provisions of the Agreements and of this Participation Agreement shall and are intended to be for the benefit and security of the bona fide holders from time to time of the Refunding Bonds and that the covenants therein and herein contained shall be enforceable by such holders to the same extent as though they were parties to the Agreements and to this Participation Agreement. The Participant's allocation of Highway User Revenues will be applied proportionately to pay debt service on the Refunding Bonds and on all series of County Transportation Bonds issued under Subtitle 3 of Title 3 of the Transportation Article in which the Participant participated.

8. Validity. It is hereby agreed that the parties hereto will take all action within their respective delegated powers to assure the legal validity of this Participation Agreement and of the Refunding Bonds and that, in the event further legislation by the General Assembly of Maryland should at any time be deemed necessary to assure such validity, they will use their best efforts to obtain the passage of such legislation.

9. Approval. This Participation Agreement shall become effective when duly authorized and executed by both parties hereto.

10. Effect Upon Prior Agreements. The Agreements, by their terms, do not expressly provide for the issuance and sale by the Department of refunding bonds for the purpose of refunding the Outstanding Bonds. The Participant and the Department intend, by the execution of this Participation Agreement, to provide that all of the covenants and agreements set forth in the Agreements for the security

of the Outstanding Bonds shall be released and terminated upon the issuance of the Refunding Bonds and replaced by the covenants and agreements set forth in this Participation Agreement.

11. Rebate Fund. The Department may cause to be created on the books of the State Treasury Department a Rebate Fund, the complete designation of which shall be "Department of Transportation -- County, Transportation Revenue Refunding Bonds 1993 Rebate Fund." The Rebate Fund shall be held by the State Treasurer or a trustee or other person designated for that purpose by the Department. To the extent that the Department determines, upon the advice of bond counsel, that it is necessary or desirable in order to assure and maintain the exemption from federal income taxation of interest on the Bonds that certain interest earnings on amounts held in connection with the issuance of the Bonds be rebated to the United States, the State Treasurer (or other holder of the Fund) shall, upon the written direction of an authorized officer of the Department, transfer from any fund or account created in connection with the Bonds to the Rebate Fund the amount specified in such written direction, which amount shall be determined in consultation with bond counsel.

Amounts on deposit in the Rebate Fund from time to time required to be rebated to the United States shall be applied by the State Treasurer (or other holder of the Fund) to the payment of such rebates and shall not be charged with the payment of the principal or interest on the Bonds. If the Department determines, upon the advice of bond counsel, that any amounts on deposit in the Rebate Fund are not required for the payment of such rebates, the State Treasurer (or other holder of the Fund) may pay over or transfer such amount (as the case may be) to the Sinking Fund or otherwise as the Department directs.

12. The Resolution. The execution of this Agreement has been duly authorized by a Resolution, which has been duly adopted by the Participant and is in full force and effect.

13. Relating to Federal Tax. The Participant covenants that it shall comply with the provisions of the Internal Revenue Code of 1986 (as amended to the effective date of this Agreement and regulations promulgated thereunder), including, without limitation, compliance with the provisions regarding the timing of the expenditure of the proceeds of the Bonds, the use of such proceeds, the restriction of investment yields, the filing of information with the Internal Revenue Service, and the rebate of certain earnings resulting from the investment of the proceeds of the Refunding Bonds. The participant further

covenants that it shall make such use of its share of the proceeds of the Refunding Bonds, regulate the investment of such proceeds, and take, or refrain from taking, such other and further actions as may be required of it by the Department from time to time, to the extent deemed necessary or appropriate by bond counsel to the Department, so as to maintain the exemption from Federal income taxation of interest on the Refunding Bonds.

14. Rules of Construction.

A. Unless otherwise specified, the words "hereof", "herein", "hereunder", "hereto", "thereof", "therein", "thereunder", "thereto" and other words of similar import, when used in this Agreement, refer to this Agreement, and when used in each of the other documents, refer to each of the other documents in their entireties.

B. The term "agree" and "agreements" are intended to include and mean "covenant" and "covenants".

C. The headings of the Articles, Sections and other subsections of each document are provided only for convenience of reference and shall not be considered in any way in construing the contents of any of the documents or any part thereof.

D. All references made in the neuter, masculine or feminine gender shall be deemed to have been made in all such genders; and in the singular or plural number shall be deemed to have been made, respectively, in the plural or singular number as well.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year first above written.

WITNESS: DEPARTMENT OF TRANSPORTATION OF
MARYLAND

By _____
Secretary

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY THIS _____ DAY
OF _____, 1993

[SEAL]

By _____
Assistant Attorney General

SCHEDULE A TO PARTICIPATION AGREEMENT

- A. \$59,270,000 Department of Transportation - County Transportation Bonds - First Issue, Third Series
1. Participation Agreement dated October 1, 1980 between the Department and Allegany County securing the County's \$1,200,000 share of the proceeds of those bonds
 2. Participation Agreement dated October 1, 1980 between the Department and Mayor and City Council of Baltimore securing the City's \$50,000,000 share of the proceeds of those bonds
 3. Participation Agreement dated October 1, 1980 between the Department and Dorchester County securing the County's \$300,000 share of the proceeds of those bonds
 4. Participation Agreement dated October 1, 1980 between the Department and Anne Arundel County securing the County's \$5,300,000 share of the proceeds of those bonds
 5. Participation Agreement dated October 1, 1980 between the Department and Caroline County securing the County's \$300,000 share of the proceeds of those bonds
 6. Participation Agreement dated October 1, 1980 between the Department and St. Mary's County securing the County's \$1,520,000 share of the proceeds of those bonds
 7. Participation Agreement dated October 1, 1980 between the Department and Queen Anne's County securing the County's \$650,000 share of the proceeds of those bonds
- B. \$22,270,000 Department of Transportation - County Transportation Bonds - First Issue, Sixth Series
1. Participation Agreement dated October 14, 1983 between the Department and Cecil County securing the County's \$2,820,000 share of the proceeds of the bonds
 2. Participation Agreement dated August 16, 1983 between the Department and St. Mary's County securing the County's \$665,000 share of the proceeds of the bonds

3. Participation Agreement dated July 22, 1983 between the Department and Allegany County securing the County's \$1,025,000 share of the proceeds of the bonds
4. Participation Agreement dated October 14, 1983 between the Department and Mayor and City Council of Baltimore securing the City's \$10,000,000 share of the proceeds of the bonds
5. Participation Agreement dated October 14, 1983 between the Department and Dorchester County securing the County's \$250,000 share of the proceeds of the bonds
6. Participation Agreement dated June 28, 1983 between the Department and Queen Anne's County securing the County's \$600,000 share of the proceeds of the bonds
7. Participation Agreement dated October 14, 1983 between the Department and Prince George's County securing the County's \$6,910,000 share of the proceeds of the bonds

C. \$24,210,000 Department of Transportation - County Transportation Bonds - First Issue, Seventh Series

1. Participation Agreement dated December 7, 1984 between the Department and Anne Arundel County securing the County's \$1,500,000 share of the proceeds of the bonds
2. Participation Agreement dated December 7, 1984 between the Department and Dorchester County securing the County's \$250,000 share of the proceeds of the bonds
3. Participation Agreement dated December 7, 1984 between the Department and Mayor and City Council of Baltimore securing the City's \$8,000,000 share of the proceeds of the bonds
4. Participation Agreement dated December 7, 1984 between the Department and Prince George's County securing the County's \$12,860,000 share of the proceeds of the bonds
5. Participation Agreement dated December 4, 1984 between the Department and St. Mary's County securing the County's \$1,600,000 share of the proceeds of the bonds

D \$8,795,000 Department of Transportation - County
Transportation Bonds - First Issue, Eighth Series

1. Participation Agreement dated August 20, 1985 between the Department and Calvert County securing the County's \$1,000,000 share of the proceeds of the bonds
2. Participation Agreement dated August 20, 1985 between the Department and St. Mary's County securing the County's \$1,400,000 share of the proceeds of the bonds
3. Participation Agreement dated August 20, 1985 between the Department and Prince George's County securing the County's \$6,395,000 share of the proceeds of the bonds

Approved July 8, 1993

KURT L. SCHMOKE, Mayor

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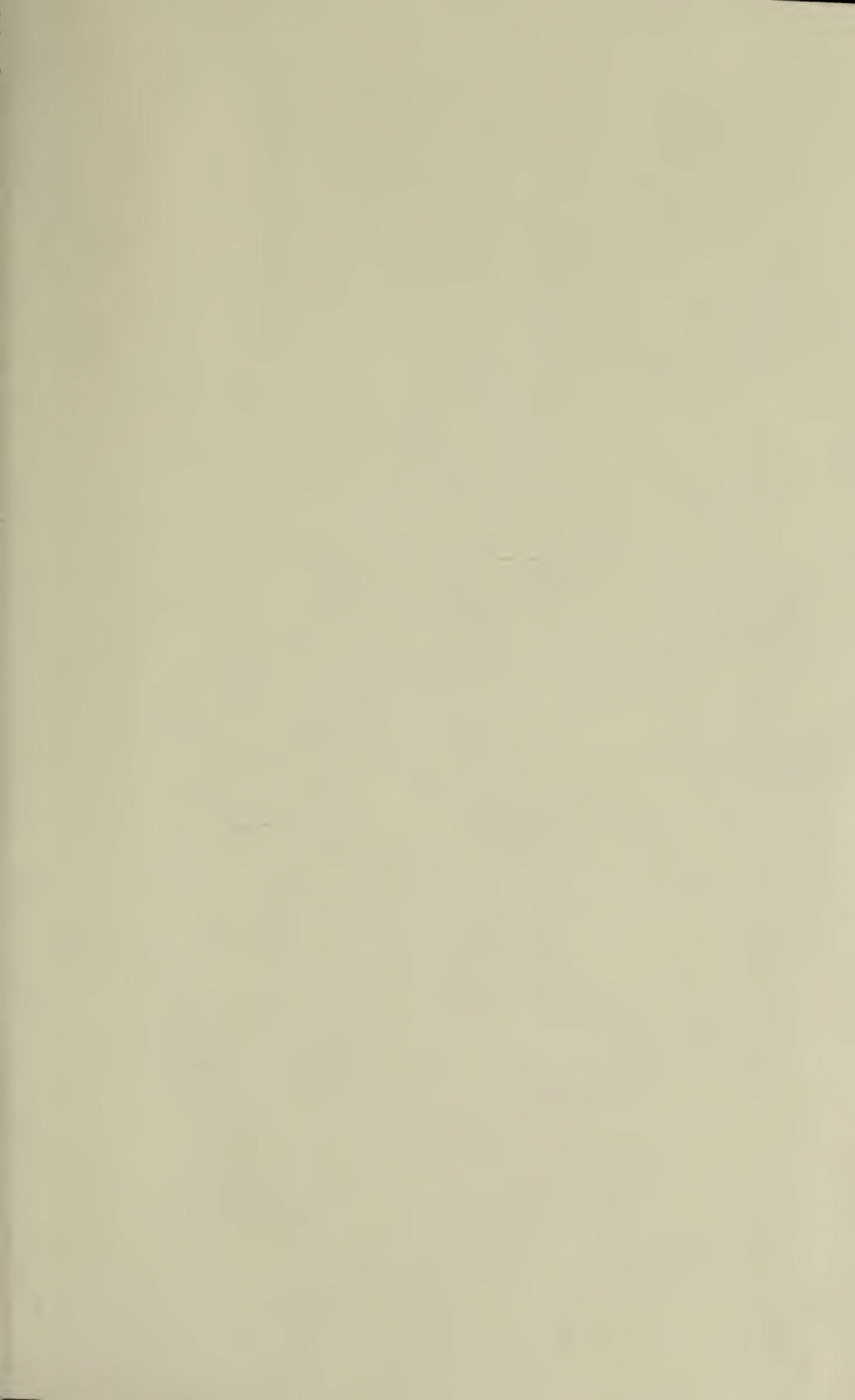
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